APHC010452472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3564]**
(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 24638/2026

Between:

1. SAMARLA BHANUMATHI, W/O LATE SAMARLA RAMACHANDRA BABU AGED ABOUT 66 YEARS, OCC HOUSE WIFE D.NO. 3B-2-7, WESTERN STREET, NEAR AMBICA THEATRE, ELURU, ELURU. WEST GODAVARI DISTRICT, ANDHRA PRADESH-534001

...PETITIONER

AND

1. UNION OF INDIA, REP. BY ITS SECRETARY, FINANCE DEPARTMENT(BANKING DIVISION) SASTRY BHAVAN, NEW DELHI. PIN110001.
2. RESERVE BANK OF INDIA, ANDHRA PRADESH REGIONAL OFFICE, REPRESENTED BY ITS REGIONAL DIRECTOR, STALIN CENTRAL, D.NO. 27-37-158, M.G.ROAD, GOVERNORPET, VIJAYAWADA-520002.
3. POONAWALLA FINCORP LIMITED, REPRESENTED BY ITS AUTHORISED OFFICER, OFFICE AT 3 RD FLOOR, R.S.TOWERS, DOOR NO- 40-25-80/1, REVENUE WARD 13 A, KURRA SATYANARAYANA STREET, GAYATRI NAGAR, BENZ CIRCLE, VIJAYAWADA, ANDHAR PRADESH-520010

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue a writ order or direction more particularly in the nature of writ

of Mandamus or any Appropriate Writ by declaring arbitrary action of the , Third Respondent in initiating SARFAESI Proceedings, without considering the objections of the Petitioner Dated 13.7.2026 under Section 13(3) A of SARFAESI Act, 2002, in which the Petitioner expressed their Willingness to repay the irregular Installments Amount, and the Third Respondent is Proceedings without observing the Amounts Paid by the Petitioner on 7.6.2026, of a Sum Rs- 1,00,00,05/-, and ready to pay the remaining Balance of Rs 11,19,950/-, out of the irregular Installments., sending their Agents, goons contrary to the Circular of RBI, which is illegal, contrary to Law, Principles of Natural Justice, Violation of Section 13(3) A of SARFAESI Act, consequently to direct the Third Respondent not to Proceed further under SARFAESI Act, 2002. in connecting with Loan NO.LAP00531000000019014006 and LAP00531000000019031309,

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Direct the Third Respondent not to Proceed further Under SARFAESI Act, consequently to receive the irregular Monthly Installments by permitting the Petitioner to pay the Monthly Installments from now onwards in connecting with Loan NO.LAP00531000000019014006 & LAP00531000000019031309

Counsel for the Petitioner:

1. S SYAMSUNDER RAO

Counsel for the Respondent(S):

1. HEMADRI V S S R R CHANDRAKANTH
2.

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

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ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

Heard learned counsel for the petitioner and learned counsel for the respondent No.3-Financial Institution.

2. The contention of the learned counsel for the petitioner is that the 3rd respondent without considering the objections of the petitioner dated 13.07.2026, submitted in response to the notice issued under Section 13(3) A of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act 2002"), proceeded with the initiation of proceedings under the SARFAESI Act, though the petitioner expressed his willingness to repay the arrears to be paid to the respondent No.3-Financial Institution and without taking into the account, an amount of Rs. 1,00,00,05/- already paid on 07.06.2026, the present writ petition is filed.

3. On behalf of the respondent, a counter-affidavit has been filed. In the counter-affidavit, it is clearly averred that the representation dated 13.07.2026 submitted by the petitioner pursuant to the notice issued under Section 13(2) of the SARFAESI Act by the Financial Institution was not considered before taking measures under Section 13(4) of the SARFAESI Act on 21.08.2026. Accordingly, the measure taken under Section 13(4) of the SARFAESI Act on 21.08.2026 has been kept in abeyance, and respondent No. 3 has undertaken

to consider the representation dated 13.07.2026 submitted by the petitioner and communicate its decision to the petitioner.

4. Learned counsel for the respondent No.3 also argued on the same lines.

5. In view of the fact that the steps taken under Section 13(4) of the SARFAESI Act, 2002, have already been kept in abeyance by the 3rd respondent, and the 3rd respondent has undertaken to consider the representation dated 13.07.2026 submitted by the petitioner under Section 13(3) A of SARFAESI Act, 2002 and they will communicate their decision to the petitioner.

6. In our considered view, no further adjudication is required in the present Writ Petition.

7. Accordingly, this Writ Petition is disposed of, placing the submission of the Respondent No.3-Financial Institution in the counter-affidavit on record.

8. There shall be no order as to costs.

As a sequel, all miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

BATTU DEVANAND, J

TUHIN KUMAR GEDELA, J

Dated: 13.10.2026
MH/GSN

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THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 24638 OF 2026

Dated: 13.10.2026

MH/GSN

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

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PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
	13.10.2026	**DEV, J & GTK, J** The Writ Petition is disposed of. (Vide Separate Order) **DEV, J** **GTK, J** MH/GSN	