

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

**THURSDAY, THE TWENTY NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

AND

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 14053 OF 2025



Between:

Jampana Bala Gandhi Raju, S/o.Narasimha Raju, Aged About- 60 Years,
Occ- Director, M/s Three Seasons Logistics, Pvt Ltd. R/O.D.NO.65-9-1/C,
Opp. Girls Polytechnic, Mehar Nagar, Kakinada, Andhra Pradesh - 533003

...PETITIONER

AND

1. The Debt Recovery Tribunal, Represented by its Chairman,
Visakhapatnam, Visakhapatnam District.
2. The Union Bank of India, Rep by its Authorised Officer, D.No.26-15-
150, Andhra Bank Building, Changalaraopeta, Visakhapatnam - 530001
3. The Branch Manager, Union Bank of India, D.No.27-952, Floor, Savithri
Mansions, Pulavathivari Street, Kakinada - 533001

...RESPONDENTS

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 to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents 2 and 3 in initiating Section 14 proceedings under SARFAESI Act 2002 vide Crl.M.P.No.112 of 2025, 113 of 2025 and 116 of 2025 on the file of the learned Chief Judicial Magistrate, Rajamahendravaram, East Godavari District for taking delivery of possession of the schedule mentioned properties on 10.05.2025 and as a consequential thereto, further issuance

of notices dated- 03.05.2025 by the learned Advocate Commissioner for taking delivery of possession of the said schedule properties as illegal, arbitrary, unjust and violation of Fundamental Rights guaranteed under the Constitution of India besides being contrary to provisions of SARFESI Act, 2002 and consequently grant stay of all further proceedings by setting aside the warrant pending of the learned advocate commissioner for taking possession of the schedule properties as mentioned in SA No. 282 of 2025 and IA No. 1813 of 2025 on the file of the learned Debts Recovery Tribunal, Visakhapatnam, pending disposal of SA No. 282 of 2025 and IA No. 1813 of 2025 on the file of the learned Debts Recovery Tribunal, Visakhapatnam, in the interests of justice.

IA NO: 1 OF 2025

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 to suspend the operation of the notices dt. 03-05-2025 of the learned advocate commissioner for executing and taking possession of the schedule properties as mentioned in schedule in SA No. 282 of 2025 and IA No. 1813 of 2025 on the file of the learned Debts Recovery Tribunal, Visakhapatnam, in the interests of justice.

IA NO: 2 OF 2025

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 to grant stay all further proceedings pursuant to the initiation of proceedings vide orders dated: 24.03.2025 in Crl.M.P.No.112 of 2025, 113 of 2025 and 116 of 2025 on the file of the Court of the Chief Judicial Magistrate, Rajamahendravaram, East Godavari District, in the interests of justice.

Counsel for the Petitioner: SRI M. SRI ATCHYUT

Counsel for the Respondent No.1: ---

Counsel for the Respondent Nos.2 & 3: SMT. DYUMANI, SC FOR UNION

BANK OF INDIA

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3539]

THURSDAY, THE TWENTY NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N
THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 14053/2025

Between:

Jampana Bala Gandhi Raju

...PETITIONER(S)

AND

The Debt Recovery Tribunal and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. M SRI ATCHYUT

Counsel for the Respondent(S):

1.

The Court made the following Order: (per Hon'ble Sri Justice Harinath. N)

Heard learned counsel for the petitioner and the learned Standing counsel appearing for respondents.

2. The petitioner is challenging the action of respondents in proceeding further in taking possession of the property belong to the petitioner by invoking the provisions of Securitization Act.

3. It is submitted by the learned counsel for the petitioner that the petitioner has filed S.A.No.282 of 2025 on the file of the learned Debts

Recovery Tribunal, Visakhapatnam. On 09.05.2025, notice was ordered to the respondents herein. It is submitted that the matter was posted today before the Debts Recovery Tribunal, Visakhapatnam. However, the presiding officer is on leave as such it could not be taken up. It is submitted that the learned counsel appearing for bank did not appear before the Debts Recovery Tribunal, Visakhapatnam.

4. Learned Standing counsel appearing for respondent Nos.2 and 3 appearing through online submits that she is on caveat and that the Advocate Commissioner has taken possession of the property on 23.05.2025 and keys have been handed over to the bank.

5. Considering the submissions of learned counsel for the petitioner that when notice was ordered on 09.05.2025 to the respondent-bank and the respondent-bank was aware of the pendency of the matter before the Debts Recovery Tribunal, Visakhapatnam, such steps of taking possession of the property ought not to have been initiated. Considering the submission that the matter could not be taken up today before the Debts Recovery Tribunal, Visakhapatnam as the presiding officer is on leave, there shall be a direction to the respondent-bank to maintain Status-quo insofar as possession is concerned and the Debts Recovery Tribunal, Visakhapatnam shall endeavor to dispose of I.A.No.1813 of 2025 in S.A.No.282 of 2025 within a period of six (06) weeks. In the meantime, Status-quo shall be maintained with regard to the possession of the property.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

Sd/- M SRINIVAS
ASSISTANT REGISTRAR
NB
SECTION OFFICER

To,

1. The Chairman, Debt Recovery Tribunal, Visakhapatnam,
Visakhapatnam District.
2. The Authorised Officer, Union Bank of India, D.No.26-15-150, Andhra
Bank Building, Changalaraopeta, Visakhapatnam - 530001
3. The Branch Manager, Union Bank of India, D.No.27-952, Floor, Savithri
Mansions, Pulavathivari Street, Kakinada - 533001
4. One CC to Sri M. Sri Atchyut, Advocate [OPUC]
5. One CC to Smt. Dyumani, SC for Union Bank of India [OPUC]
6. Three CD Copies.

ssb

HIGH COURT

DATED:29/05/2025

ORDER

WP.No.14053 of 2025



DISPOSING OF THE W.P. WITHOUT COSTS