



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

[3569]

THURSDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 1807/2026

Between:

1. MR.TANGUDU VEERA RAJU,, S/O LATE KAMESWARA RAO, AGED 67 YEARS, R/O D.NO.19-1-81, ULLASAPETA VILLAGE,WARD NO-21,UDAYAPURAM POST, PAIASA MANDAL,SRIKAKULAM DISTRICT-532221,

...PETITIONER

AND

1. THE AUTHORIZED OFFICER, SHIRIRAM FINANCE LIMITED,(FORMERLY KNOWN AS SHIRIRAM TRANSPORT FINANCE COMPANY LIMITED), HAVING ITS ZONAL OFFICE AT SARASWATHI COMPLEX, NEAR SARASWATHI THEATER, SRIKAKULAM DISTRICT, ANDHRA PRADESH-532001,

2. THE DEBT RECOVERY TRIBUNAL, REP.BY ITS. REGISTRAR, 31-32-54, CHITRALAYA RAOD NEAR LEELA MAHAL ROAD DABA GARDENS, JAGADAMBHA CENTRE,VISAKHAPATNAM DISTRICT. ANDHRA PRADESH-530004,

3. SRI NATHALA RAJA RAO, ADVOCATE COMMISSIONER, R/O D.NO. 15-3-3,BRAHMANA VEEDHI,NEAR KAPU TREET, ARASAVALLI (VILLAGE AND POST) SRIKAKULAM DISTRICT, ANDHRA PRADESH-532401.

...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 to issue a direction or order, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent Authorities Especially 2nd Respondent in not deciding the I.A. No.. 144 of 2026 in S.A. No. 29 of 2026, and adjourning the same and the action of 1st Respondent Financial Institution in making attempts to take over the Possession of Schedule properties i.e.. Building bearing D.No.1-6-914/D situated at Kasubugga-Palasa Municipality Srikakulam District, as per the orders in Crl.M.P.No.I09 of 2025, through the Advocate commissioner Notice dated 06.01.2026, is illegal, contrary to Principles of Natural Justice, and consequently direct the 1st Respondent not to take Possession of the aforementioned property, till iA.No.114 of 2026 in S.A.No.29 of 2026, before the Hon'ble DRT, Visakhapatnam is decided in the interest of justice and in circumstances of the case and to pass

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 to direct the 1 Respondent to not to take the physical possession of properties i.e.. Building bearing D.No.1-6-914/D situated at Kasubugga-Palasa Municipality Srikakulam District, as per the orders in rl.M.P.No.I09 of 2025, through the Advocate commissioner Notice dated 06.01.2026, until the IA.No114 of 2026 in S.A.No.29 of 2026, before the Hon'ble DRT, Visakhapatnam is decided, pending disposal of the main writ petition and to pass

Counsel for the Petitioner:

1. MOHAMMAD NAYAB RASOOL

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER: (Per Hon'ble Sri Justice Cheekati Manavendranath Roy)

Heard Mr. Mohammad Nayab Rasool, learned counsel for the petitioner and Mr. O.Udaya Kumar, learned Standing Counsel for respondent No.1-Shriram Finance Limited.

2. The petitioner is the principal borrower, who has availed loan from the 1st respondent-Finance Company. As he has committed default in repayment of the said loan amount, the 1st respondent has initiated measures under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') to take possession of the secured asset. Challenging the said measures initiated by the 1st respondent, the petitioner has already approached the Debts Recovery Tribunal, which is the appropriate forum for redressal of his grievance, by way of filing securitization application in S.A.No.29 of 2026 and the same is now pending adjudication before the Tribunal. Alongside the said application, he has also filed an interlocutory application in I.A.No.144 of 2026, seeking stay of further proceedings. The said interlocutory application is also pending consideration before the Tribunal.

3. Therefore, as the petitioner has already availed the remedy available to him, as per the right conferred on him under the Act by way of approaching the Tribunal, which is the appropriate forum for redressal of the grievance under the Act, we are not inclined to interfere in the matter and to entertain the writ petition and permit the petitioner to maintain parallel proceedings both before the Tribunal and the Court.

4. However, it is the grievance of the petitioner that even though there is an urgency to consider the interlocutory application filed seeking stay of further proceedings that the Tribunal is not disposing of the same. Therefore, we are of the considered view that this writ petition is to be disposed of with a direction to the Tribunal to hear and dispose of the said I.A.No.144 of 2026

expeditiously and pass appropriate orders on it, according to law, in view of the urgency that is urged by the petitioner.

5. Resultantly, the Writ Petition is disposed of with a direction to the 2nd respondent-Debts Recovery Tribunal, Visakhapatnam, to hear I.A.No.144 of 2026 in S.A.No.29 of 2026 and dispose of the same expeditiously, according to law by 5:00 P.M. tomorrow i.e., on 23.01.2026, after hearing both the parties. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE HARINATH.N

Date: 22.01.2026

Note: Issue C.C by today

B/o.

MDP