



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

**[3558]**

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 4338/2026**

**Between:**

1. SMT. SUJATHA DUPATI, W/O D. ESTER BABU, AGED ABOUT 40 YEARS, R/O D.NO.40-16/1-39, GEORGE PETA, OPP. KANDHARI HOTEL, LABBIPETA, VIJAYAWADA - 520010.

**...PETITIONER**

**AND**

1. THE GANDHI COOPERATIVE URBAN BANK LIMITED, LIMITED, REGD. NO. H948, MUSEUM ROAD, GOVERNORPETA, VIJAYAWADA - 520002, REPRESENTED BY ITS AUTHORISED OFFICER.

2. THE CHIEF JUDICIAL MAGISTRATE, VIJAYAWADA, NTR DISTRICT - 520002

3. SRI M KETHAN KRISHNA, ADVOCATE COMMISSIONER, VIJAYAWADA - 520002.

**...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 Writ, Order or Direction more particularly one in the nature of Mandamus, declaring the action of the Respondent Bank and its officials in taking forcible possession and locking the petitioners residential house on 04.02.2026, bearing Door No. 40-16/1-39 Assessment No. 1073107750 (Old Assessment No. 216184) Town Planning Survey No. 1, R.

Ward No. 10, Block No. 9 situated at George Peta, Labbipet, Vijayawada within the jurisdiction of Patamata Sub-Registry (G 2) Building (each floor having plinth area of 215 SFT) constructed in an extent of 33 Sq. Yards despite the specific direction issued by this Honble Court in W.P. No. 2580 of 2026 directing the Honble Debts Recovery Tribunal to decide the Interlocutory Application on 06.02.2026, as illegal, arbitrary, violative of Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the Respondent Bank to restore possession of the said residential house to the petitioner pending disposal of S.A. No. 59 of 2026 before the Honble Debts Recovery Tribunal, Visakhapatnam and 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 stay all further coercive proceedings pursuant to possession taken on 04.02.2026 by directing the Respondent Bank to forthwith unlock the premises and restore physical possession of the residential house bearing Door No. 40-16/1-39, as described supra, to the petitioner Pending disposal of the above Writ Petition and pass

**Counsel for the Petitioner:**

1.N RAVI PRASAD

**Counsel for the Respondent(S):**

1.

**The Court made the following ORDER:**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**AND**

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 4338/2026**

**ORDER:** *(Per Sri Justice Cheekati Manavendranath Roy)*

Heard Sri N.Ravi Prasad, the learned counsel for the petitioner.

2. Challenging the acts of the Bank officials in taking possession of the secured asset pursuant to the order of the learned Magistrate passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, the instance writ petition has been filed by the writ petitioner, who is the principal borrower.

3. Earlier when the writ petitioner approached this Court by way of filing W.P.No.2580 of 2026 challenging the measures initiated by the respondent Bank under the SARFAESI Act for realization of the loan amount, by way of taking possession of the secured asset for the purpose of selling the same in the public auction, this Court has disposed of the said writ petition with a direction to the petitioner to pursue her remedy before the Debts Recovery Tribunal, Visakhapatnam, where she has already filed S.A.No.59 of 2026 which is pending adjudication before the Tribunal. However, this Court has directed the Tribunal to hear the stay application filed by the petitioner in the said S.A. and dispose of the same on merits on 06.02.2026 to which date the said stay application is posted.

4. Now it is the case of the petitioner that the Commissioner appointed by the learned Magistrate has taken possession of the property on 04.02.2026 itself, and the Tribunal did not dispose of the stay application as directed by this Court on 06.02.2026 and posted the stay application to 02.03.2026 and that their application filed on 05.02.2026 to brake open lock of the secured asset was also not considered. Therefore, the present writ petition has been filed to declare the acts of the Bank officials in taking possession of the secured asset, as illegal on the ground that they have taken possession of the property pending stay application filed before the Tribunal.

5. There is no stay granted by the Tribunal or by this Court to take possession of the property as on 04.02.2026 on which date, the learned Commissioner has taken possession of the secured asset pursuant to the order of the learned Magistrate. Therefore, it cannot be declared that the acts of the Bank officials in taking possession of the secured asset on 04.02.2026 as illegal. Therefore, no declaration as sought by the petitioner can be granted. But, if it is the grievance of the writ petitioner that the Tribunal did not comply with the direction of this Court and did not dispose of the stay application on merits on 06.02.2026 and it has posted the stay application to 02.03.2026. If that be the case, the remedy of the writ petitioner would be by way of filing a Contempt Case against the Presiding Officer of Tribunal for not complying the direction of this Court.

6. Therefore, in the said facts and circumstances of the case, we do not find any valid ground to entertain the writ petition.

7. Therefore, the Writ Petition is disposed of accordingly. However, the Tribunal shall hear and dispose of the other I.A.No.614 of 2026 and I.A.No.409 of 2026 which are filed by the petitioner expeditiously on merits according to law after hearing both the parties, preferably within a period of two (2) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

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

---

**JUSTICE CHEEKATI MANAVENDRANATH ROY**

---

**JUSTICE TUHIN KUMAR GEDELA**

Date: 17.02.2026

Furnish copy by 18.02.2026

KA

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**  
**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 4338/2026**

Date: 17.02.2026

Furnish copy by 18.02.2026

KA