



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

**[3545]**

FRIDAY, THE EIGHTH DAY OF MAY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**WRIT PETITION NO: 13981/2026**

**Between:**

1.M/S SONAC, REP. BY ITS MANAGING PARTNER, KODURU NEERAJA V//O. KODURU SURESH KUMAR REDDY, AGED ABOUT 42 YEARS, R/O.D.NO.25-3-1479, GOWTHAMI NAGAR, PODALKUR ROAD, NELLORE, SPSR NELLORE DISTRICT.

**...PETITIONER**

**AND**

- 1.THE INDIAN BANK, MAIN BRANCH, TRUNK ROAD, NELLORE, SPSR NELLORE DISTRICT, REP. BY ITS AUTHORIZED OFFICER.
- 2.THE INDIAN BANK, STRESS ASSETS MANAGEMENT BRANCH, 5-1-679, SURABHI ARCADE, BANK STREET, KOTI, HYDERABAD, REP. BY ITS AUTHORIZED OFFICER.

**...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 topleased to issue a writ of mandamus or any other appropriate writ of direction declaring the action of the respondents in trying to take physical possession of the property i.e., factory land and building constructed in an extent of Ac.3.33 cents in Sy.No.278, 499 and 500 of Inukurthi Village, Podalkuru Mandal, SPSR Nellore District pursuant to the warrant of commission issued by the Chief Juteal Magistrate, SPSR Nellore District Crl.M.P.No.97 of 2024 dated 05.05.2026 as illegal, arbitrary and one without

jurisdiction and consequently direct the respondents not to interfere with the peaceful possession of the subject properties and pass such other order or orders by setting aside the warrant of commission issued by the Chief Judicial Magistrate, SPSR Nellore District CrI.M.P.No.97 of 2024 dated 05.05.2026 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 direct the respondents not to interfere with the peaceful possession of the subject properties, pending disposal of the Writ Petition and pass

**Counsel for the Petitioner:**

1.C SUBODH

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

1.SREEDHAR VALIVETI

**The Court made the following:**

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**  
**AND**  
**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**WRIT PETITION No.13981 of 2026**

**ORDER:** *(Per Hon'ble Sri Justice A. Hari Haranadha Sarma)*

The present Writ Petition is filed questioning the orders passed by learned Chief Judicial Magistrate, SPSR Nellore District at Nellore in CrI.M.P.No.97 of 2024, dated 05.05.2026 contending that the orders of this Court in W.P.No.29287 of 2025 passed by Coordinate Bench of this Court as to considering the objections of Writ Petitioner are not complied, therefore the orders are vitiated.

2. The objection of the learned counsel for petitioner is that the bank ought to have mentioned certain amounts paid by the borrower which were not mentioned in the application filed for assistance of the Advocate Commissioner in an application filed in terms of Section 14 of the SARFAESI Act which is mandatory as per Section 14 of the said Act.

3. Learned counsel for respondent bank would submit that the petitioner/borrower is bent upon initiating series of the litigations before the D.R.T., stalling the sale process and securitization proceedings etc. whereby the bank not in a position to recover the dues.

4. It is not in dispute that the directions of Coordinate Bench of this Court dated 31.10.2025 in W.P.No.29287 of 2025 as to considering the objections of Writ Petitioner is not complied. The orders under challenge are not referring to

the orders in the earlier Writ Petition nor as to compliance of Section 14 of the SARFAESI Act. Therefore, the orders of learned Chief Judicial Magistrate issuing warrant are liable to be set aside.

5. In the result,

- i. Orders under challenge dated 05.05.2026 passed in CrI.M.P.No.97 of 2024 are set aside.
- ii. Respondent Bank is at liberty to make fresh application in compliance of Section 14 of SARFAESI Act.
- iii. The learned Chief Judicial Magistrate, SPSR Nellore District at Nellore is directed to consider and dispose of the application that may be filed by the respondent Bank as per law within four weeks of such filing.

6. Accordingly, the Writ Petition is disposed of.

7. No order as to costs.

Consequently, miscellaneous applications, pending if any, shall stand closed.

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**JUSTICE BATTU DEVANAND**

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**JUSTICE A. HARI HARANADHA SARMA**

Date: 08.05.2026

sj

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**THE HON'BLE SRI JUSTICE BATTU DEVANAND**

**AND**

**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**WRIT PETITION No.13981of 2026**

**Date: 08.05.2026**

sj