

APHC010038932026



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

[3558]

WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 2408/2026

Between:

1. DABBUGOTTU SRINIVASULU,, S/O. D.CHINA KONDAIAH. AGED ABOUT 55 YEARS, R/O. D.NO. 15-6-115, FLAT NO.202, BALAJI RESIDENCY, VENKATARAMAPURAM, SPSR NELLORE-524 004, ANDHRA PRADESH

...PETITIONER

AND

1. UNION BANK OF INDIA, Dargamitta Branch-3, Dargamitta, Near Rainbow Theatre, Grand Trunk Road, SPSR Nellore District, Andhra Pradesh - 524003.

...RESPONDENT

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 an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of respondent bank in publishing auction notice on 11.01.2026, fixing auction date to be held on 28.01.2026, without serving sale notice to me and without affixing the same on subject property which is required under proviso to Rule 9 (1) of Secularization Interest (Enforcement) Rules, 2002, and inaction of Debt Recovery Tribunal, Visakhapatnam in considering the Interlocutory Applications I.A.Nos.394, 395, 396 and 397 of 2026 in S.A.No.351 of 2025, particularly in view of the imminent threat of creation of third-party interests

through illegal auction as arbitrary, illegal, violative of provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI), violative of Securitization Interest (Enforcement) Rules, 2002, devoid of principles of natural justice and unconstitutional, and consequently direct the respondent not to conduct auction or issue sale certificate for the auction to be held on 28.01.2026, until the disposal of I.A.Nos.394, 395, 396 and 397 of 2026 in S.A.No.351 of 2025, by DRT, Visakhapatnam

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 of all further proceedings pursuant to the publication of auction notice dated 28.01.2026, , pending disposal of the Writ Petition

Counsel for the Petitioner:

1. VINOD KUMAR PEMMASANI

Counsel for the Respondent:

1.

The Court made the following:

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

Heard learned counsel for the petitioner.

2. The petitioner is the principal borrower. He has filed the writ petition for a Mandamus to declare the action of the respondent-bank in publishing auction notice dated 11.01.2026 fixing the date of auction on 28.01.2026 without serving sale notice on the petitioner and without affixing the same on the subject property as required under proviso Rule 9(1) of the Security Interest (Enforcement) Rules, 2002 and the inaction on the part of the Debts Recovery Tribunal, Visakhapatnam in considering the interlocutory applications in I.A.Nos.394 to 397 of 2026 in S.A.No.351 of 2025 in view of the imminent threat of creating a third party interest in respect of the secured interest as illegal and violative of provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") and consequently sought direction to the respondent not to conduct auction or issue sale certificate for the auction to be held on 28.01.2026 till the disposal of the aforesaid interlocutory applications.

3. The petitioner has already approached the Debts Recovery Tribunal, Visakhapatnam, which is the appropriate forum constituted under the special enactment with special mechanism challenging the measures initiated by the respondent-bank for realization of the loan amount. Therefore, as the petitioner has already approached the appropriate forum seeking redressal of his grievance, we are not inclined to entertain this writ petition.

4. However, the grievance of the writ petitioner is also that even though he has filed interlocutory applications seeking interim relief in S.A.No.351 of 2025, that the Tribunal is not disposing of the said applications inspite of the fact that there is an urgency to dispose of the same as the auction is scheduled to be held today i.e. on 28.01.2026. So, he sought for a direction

not to issue sale certificate till the disposal of the said interlocutory applications.

5. Therefore, in the said facts and circumstances of the case, the Writ Petition is disposed of with a direction to the petitioner to pursue his remedy before the Debts Recovery Tribunal, Visakhapatnam, where the securitisation application and interlocutory applications are pending disposal. The Debts Recovery Tribunal, Visakhapatnam is directed to hear I.A.Nos.394, 395, 396 and 397 of 2026 in S.A.No.351 of 2025 expeditiously and dispose of the same according to law on merits by passing appropriate orders to that effect within ten (10) days from the date of this order. Even if any auction is held today, as the sale certificate will not be issued till the balance 75% of the sale price is deposited on or before 15th day of confirmation of sale or within such extended period, as agreed upon in writing between the secured creditor and the purchaser, we see no valid reason to give any direction not to issue any sale certificate in view of the direction given to the Debts Recovery Tribunal, Visakhapatnam to dispose of the interlocutory applications within the said period of time i.e. ten (10) days from the date of this order.

6. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 28.01.2026

Note: Issue CC tomorrow
(B/o)
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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 2408/2026

Date: 28.01.2026

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