APHC010339072026

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

FRIDAY, THE 3rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

WRIT PETITION NO: 17963 OF 2026

Between:

1. RAVI MURALI MOHAN, S/o. Ravi Sudhakar Rep.by it's His GPA Penmutchu Jagadeesh s/o. Rama krishna, aged about 45 years Rio. D.No.1-14, Mahdepudi, Guntur-522018

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by Governor 16th floor central office building Shahid Bhagat Singh road Mumbai - 400 001

2. The Debt Recovery Tribunal, Rep.by it's Registrar, Gr. and 1st floor, Sri Narayana Bhawanam, Sai Baba Street, Dabagardens, Visakhapatnam - 530002

3. Indian Overseas bank, Rep. by its Chief Manager D.no. 40-9-27, P.B. No.8, Ring road Adjacent to Telco Yard, Trendset Mall Benz Circle, Vijayawada.

4. The Regional Manager, Indian Overseas Bank, D.no. 40-9-27, P.B.. No.8, Ring road Adjacent to Telco Yard, Trendset Mall Benz Circle, Vijayawada.

5. The Branch Manager, Indian Overseas Bank, 7-1118, Gandhipeta, near RVSCVS School Chilakaluripeta Branch, Chilakaluripeta Andhra Pradesh - 522616

...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 topleased to issue an appropriate writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of Respondent No.2 in not deciding the stay application in respect to E-Auction notice dated15-06-2026 proposed to be conducted on 07-07-2026 vide., I.A.No. 2881 of 2026 in S.A.No. 189 of 2026 filed Under 17 of SARFAESI Act, 2002 by the petitioner and further adjourning the case to 16-07-2026 as illegal, arbitrary, unconstitutional and violative of the principles of natural justrice, violative of article 300-A of constitution of india and consequently direct the respondent No.2 to grant stay of all further proceedings pursuant to the E-Auction notice dated.15-06-2026 by allowing the I.A.No. 2881 of 2026 in S.A.No.189/2026 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 leased to grant stay of E-Auction of petitoner property proposed to be held on 07- 07-2026 by the respondents No.3 to 5 pending disposal of the above writ petition and to pass

Counsel for the Petitioner: PILLIX LAW FIRM

Counsel for the Respondents:

The Court made the following order:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

AND

THE HON'BLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

WRIT PETITION No.17963 of 2026

ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

1. Heard the learned counsel for the petitioner and perused the record.

2. The facts leading to file this Writ Petition are that the petitioner availed two loans amounting to Rs. 6.50 Crores and Rs.10.20 Crores in the name of Sai Kaarthik City Center. These two loans were secured by mortgaging the properties to an extent of 4961 Sq.Yards situated in Sy.No.152/1, D.No.33-313(old), D.No.33-621 (new) situated in 33rd block, Chilakaluripeta, Andhra Pradesh. Subsequently, a demand notice, dated 02.08.2025, calling upon them to pay a sum of Rs.15,11,96,596/- along with interest. The petitioner responded to the same and submitted a representation and requested the respondent No.4 that a moratorium/holiday period may be granted to the loan accounts until the law and order issues are resolved and normal business operations are restored. Disregarding the petitioner's representation, the respondent-Bank proceeded to issue the symbolic possession notice, dated 05.11.2025 under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002 and consequential public notice, dated 07.02.2026 for e-auction for sale of immovable properties. Thereafter, the petitioner submitted a representation to the respondent-Bank and thereafter, he approached this Court by filing W.P.No.7271 of 2026 challenging the issuance of the e-auction sale notice,

dated 07.02.2026. The said Writ Petition was dismissed as infructuous, by order, dated 13.03.2026, on the ground that the auction proceedings initiated pursuant to e-auction notice, dated 07.02.2026 had not fructified due to the reason of lack of bidders.

3. On 27.06.2026, the petitioner filed an application under 17 of the SARFAESI Act. Thereafter, the respondent-Bank once again issued notice for conducting e-auction. Now, the grievance of the petitioner is that the e-auction of the petitioner's property proposed to be held on 07.07.2026 without deciding the stay application submitted by the petitioner in respect to e-auction notice, dated 15.06.2026.

4. On careful perusal of the material available on record, it is an undisputed fact that the S.A.No.189 of 2026 is pending before the Debts Recovery Tribunal, Visakhapatnam and the respondent-Bank issued e-auction notice, dated 15.06.2026 and the petitioner filed stay application under Section 17 of the Act in S.A.No.189 of 2026 on 27.06.2026 and it is pending.

5. Considering the facts and circumstances of the case, in our view, interest of justice would be met by directing the Debts Recovery Tribunal, Visakhapatnam to consider and dispose of the stay application filed by the petitioner on 27.06.2026, in accordance with law, within the time stipulated herein under.

6. In view of the order we are passing herein, and as no prejudice would be caused to any of the respondents in this Writ Petition and accordingly, notice to the respondents is dispensed with.

7. For the reasons stated above, this Writ Petition is disposed of with the following directions:-

(i) The respondent No.2 is directed to consider and disposed of the stay application submitted by the petitioner on 27.06.2026 in S.A.No.189 of 2026, in accordance with law, within a period of two (02) weeks from the date of receipt of a copy of this order.

(ii) Till disposal of the said stay application, the e-auction notice, dated 15.06.2026 shall be kept in abeyance.

8. There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

Dated: 03.07.2026
PKR
Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HON'BLE SRI JUSTICE BATTU DEVANAND

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THE HON'BLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

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Dated: 03.07.2026
PKR