



**HIGH COURT OF ANDHRA PRADESH**  
TUESDAY ,THE TWENTY SIXTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY ONE

**PRESENT**

**THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH**  
**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**  
**WRIT PETITION NO: 24409 OF 2021**

**Between:**

1. State Bank of India, Kannavari thota Branch, Guntur,  
Represented by its Authorised Officer,  
A.Sai Prasad, S/o.Late Rama Rao, Aged 57 Years,  
Occ Asst.General Manager,  
Stressed Assets Management Branch, II (18359),  
D.NO.3-4-1013/A, 1 st Floor, CAC, TSRTC Bus Station,  
Kachiguda, Hyderabad-500027

**...PETITIONER(S)**

**AND:**

1. The Debt Recovery Tribunal , Visakhapatnam Represented by its  
Presiding Officer, Visakhapatnam.
2. M/s. Sankar Cotton Traders, A registered partnership firm,  
Represented by its Managing Partner,  
Sri Innamuri Basavaiah,  
S/o. Garataiah,D.No.19-10-9/A,  
S.K.R. Estate, Puttadigunta, Guntur -522002.
3. InnamuriBasavayya S/o Garataiah Aged about50 years, Occ- Business,  
R/o. D.No. 25-18-19, Main Road, Sampath Nagar, Guntur 522003
4. Innamuri. Subrahmanyam S/o Garataiah  
Aged about 53 years, Occ- Business, R/o. D.No. 25-18-19, Main Road,  
Sampath Nagar, Guntur 522003
5. Innamuri. Dahana Lakshmi W/o Basavayya  
Aged about 44 years, Occ- Business, R/o. D.No. 25-18-19, Main Road,  
Sampath Nagar, Guntur 522003
6. InnamuriVenkata Lakshmi Kumari W/o Subrahmanyam Aged about 49  
years, Occ- Business R/o. D.No. 25-18-19, Main Road, Sampath Nagar,  
Guntur 522003
7. Tatavarthi Sri Hari Manikanta S/o Kondala Rao  
Aged about 33 years, Occ- Business Rio. D.No. 25-18-19, Main Road,  
Sampath Nagar, Guntur 522003.
8. Sri.Ch.V.S.Siva Rama Krishna Advocate Commissioner,  
Aged about 50 Years, Occ- Advocate,  
49-14-7, Lalithanagar, Visakhapatnam, 530016.
9. Sri.Y.Markandeyulu , Advocate  
Aged about 50 Years, LIG No.29, Phase-I, Behind RandB Office, VUDA  
Colony, Madhavadhara,Visalchapatnam.530007.

**...RESPONDENTS**

**Counsel for the Petitioner(s): S SATYANARAYANA MOORTHY**

**Counsel for the Respondents:**

**The Court made the following: ORDER**



**HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Mr. JUSTICE B. KRISHNA MOHAN**

**WRIT PETITION No.24409 OF 2021**

State Bank of India  
Kannavarithota Branch, Guntur,  
Rep.by its Authorized Officer,  
A.Sai Prasad, S/o Late Rama Rao, aged 57 years,  
Occ: Asst. General Manager,  
Stressed Assets Management Branch-II,  
D.No.3-4-1013/A, 1<sup>st</sup> Floor, CAC, TSRTC Bus  
Station, Kachiguda, Hyderabad-500 027.

... Petitioner

Versus

The Debts Recovery Tribunal, Visakhapatnam  
Rep by its Presiding Officer,  
Visakhapatnam and 2 others.

... Respondents

Counsel for the petitioner : Mr. S.S.N. Moorthy

Counsel for the respondent : Mr. Nanjundappa

**ORAL JUDGMENT**

**Dt: 26.10.2021**

*(Per Hon'ble Sri Justice Ahsanuddin Amanullah)*

Heard Mr. S.S.N.Moorthy, learned counsel appearing for the petitioner and Mr. Nanjundappa, learned counsel appearing for the private respondents.

2. The petitioner has moved the Court for the following relief:



*“...to issue a writ order or direction more particularly in the nature of writ of Certiorari or any Appropriate Writ by calling for the records and declaring the Orders passed by the Hon’ble DRT, Visakhapatnam in I.A.No 1653 of 2021 in S.A.No 193 of 2021 and the daily Order, dated 27.09.2021 modifying the Orders of this Hon’ble Court in W.P.No.20338 of 2021 ignoring the Operative Portion of the Order of this Hon’ble Court which specified that “Needless to mention apart from the items noted in the inventory list prepared by the Advocate Commissioner pursuant to order under Section 14 of the SARFAESI Act, the petitioner bank has not admitted that the articles referred to in .I.A. No.887 of 2021 are in the schedule premises and the articles which are prayed for and present in the schedule premises shall be removed by the Advocate Commissioner” is against the principles of natural justice, contrary to Law, contrary to the Order of this Hon’ble Court in W.P.No.20338 of 2021, dated 16.09.2021 and liable to be Set aside, consequently direct the Respondents No.2 to 7 to take all the movables in the Seized House of them as per the Panchanama inventory report, dated 22.06.2021 and to pass such other order.....”*

3. The petitioner had moved the Debts Recovery Tribunal, Visakhapatnam invoking the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “SARFAESI Act”) for recovery of the outstanding dues of the loan taken by the private respondents. In the said proceedings, an order was passed in favour of the petitioner for taking possession of the mortgaged premises belonging to the private respondents. The private respondents filed Interlocutory Applications seeking to remove certain articles from the premises which was taken over by the petitioner. The controversy has arisen as to what specific articles are to be



removed by the private respondents and what would remain on the premises.

4. Learned counsel for the petitioner has informed the Court that S.A.No.193 of 2021 has been filed challenging the order passed under SARFAESI Act, by which, the petitioner was granted permission to take possession of the mortgaged premises, which is still pending.

5. Having heard the submissions of learned counsel, it has been agreed between the parties that S.A. No.193 of 2021 itself should be taken to its logical conclusion.

6. Learned counsel for the private respondents submits that S.A.No.194 of 2021 is also integrally connected with the issue at hand and between the same parties and should also be directed to be disposed of along with S.A.No.193 of 2021.

7. Learned counsel for the petitioner agrees that both S.A.No.193 of 2021 and S.A.No.194 of 2021 may be directed to be disposed of.

8. Having regard to the aforesaid and taking into consideration the consent of learned counsel for the parties, the present Writ Petition stands disposed of with a direction to the respondent no.1 to dispose of S.A.No.193 of 2021 and S.A.No.194 of 2021 by passing final orders, in accordance with law, after giving opportunity of hearing to the parties, expeditiously, and preferably, within a period of three (03) months from the date of receipt of a copy of this order.



9. It is further agreed between the parties that they shall not raise any other issue before the respondent no.1 with regard to seeking any interim order or direction and shall cooperate with getting the appeals disposed of.

10. It is clarified that the respondent no.1 shall not be obliged to dispose of any Interlocutory Application separately and the same shall be dealt with in the final order. It is also agreed between the parties that till the disposal of the appeals, *status quo*, as on date, shall be maintained with regard to materials lying on the schedule premises.

11. In view of the above order passed today, the Court would observe that the same is on the basis of what has been agreed between the parties and the Court has neither gone into the merits nor expressed any opinion on the same and it shall be open to the respondent no.1 to independently go into the merits of the matter. No order as to costs.

12. Miscellaneous petitions, if any pending also stand disposed of.

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**(AHSANUDDIN AMANULLAH, J)**

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**(B. KRISHNA MOHAN, J)**

*Gvl*



**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Mr. JUSTICE B. KRISHNA MOHAN**

**WRIT PETITION No.24409 of 2021**

*Date : 26-10-2021*

*Gvl*