

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE SEVENTH DAY OF JANUARY  
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH  
AND

THE HONOURABLE MS JUSTICE B S BHANUMATHI



WRIT PETITION NO: 29466 OF 2021

Between:

Dr A Ratnamaiah, S/o late A Subba Rayudu, Aged 49 years, Occ- Medical Practitioner, R/o D No. 6/224, Dr Kavitha Lane, Railway Kodur, YSR Kadapa Dist 516101.

...Petitioner

AND

1. State Bank Of India, Stressed Assets Recovery Branch, (SARB) 2<sup>nd</sup> Floor, TSRTC Commuter's Amenity Centre, Bus Terminal Complex Koti Hyderabad 500 095, Rep by its Authorised Officer.
2. State Bank of India SME Branch (16292), New Balaji Colony, AIR Bypass Road, Thirupathi. 517502.
3. Cherivella Subramanyam, S/o Radha Krishnaiah, Aged major, R/o Sivalayam Street, Kasipet Venkatagiri, Nellore District 524132.

...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 to issue a writ or writs more particularly in the nature of writ of mandamus declaring the action of the respondent bank issuing Sale Notice No.SBI/SARB/HYD/2020-21/PMR/ASRPL/976 dt 2-11-2021 in reducing reserve price from Rs.18 lakhs(As per sale notice dt 26-8-2021 proposing to conduct auction on18-9-2021) to Rs 15 Lakhs though the petitioner offered to pay Rs 18,00,000/- as per notice dt 26-8- 2021 and conforming the bid for Rs. 16 lakhs in the auction conducted on 26-11- 2021 in respect of immovable property of the petitioner, i.e. House 95.38 Sq yards (78.36 plus 3.75 plus 13.27 Sq.yards) bearing D.no.6/224 and Sy.No.666 situated at Dr. Kavitha Lane, Railway Koduru, YSR Kadapa District, Andhra Pradesh Without issuing any notice to the petitioner though the petitioner offered to pay the price fixed by the respondent bank for the petitioner property as illegal arbitrary high handed and can not be justified in the eye of law. and consequently the sale dt 26-11-2021 as being null and void in respect of the above said property in the interest of justice

**IA NO: 1 OF 2021**

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 respondent bank not to issue any sale certificate and register the same infavour of the 3<sup>rd</sup> respondent pending disposal of the above said writ petition in respect of House 95.38 Sq yards (78.36+3.75+13.27 Sq.yards) bearing D.no.6/224 and Sy.No.666 situated at Dr. Kavitha Lane, Railway Koduru, YSR Kadapa District, Andhra Pradesh in the interest of justice, pending disposal of WP 29466 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Battu Srinivasa Rao, learned counsel representing Sri CH Srinivas, Advocate for the Petitioner, the Court made the following;

**ORDER:**

*(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)*

Heard Mr. Battu Srinivasa Rao, learned counsel representing Mr. Ch. Srinivas, learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that he is the guarantor to the loan which has become Non Performing Asset (NPA) for which his property has been put to auction sale. It was submitted that the petitioner had offered the bank to pay Rs.18,00,000/- but the bank has gone ahead with the sale for only Rs.16,00,000/- and now the sale is sought to be confirmed. It was submitted that the petitioner shall pay Rs.18,00,000/- within two weeks.

3. Having regard to the aforesaid, let the petitioner deposit Rs.18,00,000/- with the respondent – bank and file affidavit to that effect showing such deposit.

4. Let personal notice be effected on the respondents and proof of service filed and the matter be listed on 21.01.2022.

5. In the meantime, the respondent-bank shall not confirm the sale and issue sale certificate.

6. Learned counsel for the petitioner shall inform the respondent bank with regard to the present order.

//TRUE COPY//

Sd/-T.Madhavi  
ASSISTANT REGISTRAR  
SECTION OFFICER

To,

1. The Authorised Officer, State Bank of India, Stressed Assets Recovery Branch, (SARB) 2<sup>nd</sup> Floor, TSRTC Commuter's Amenity Centre, Bus Terminal Complex Koti Hyderabad 500 095.
2. The Branch Manager, State Bank of India SME Branch (16292), New Balaji Colony, AIR Bypass Road, Thirupathi. 517502.
3. Cherivella Subramanyam, S/o Radha Krishnaiah, R/o Sivalayam Street, Kasipet Venkatagiri, Nellore District 524132.(1 to 3 by RPAD)
4. One CC to Sri. CH Srinivas, Advocate [OPUC]
5. Two spare copies.

MSB



**HIGH COURT**

**AA,J & BSB,J**

**DATED:07/01/2022**

**ORDER**

**THE MATTER BE LISTED ON 21.01.2022**

**WP.No.29466 of 2021**

**INTERIM DIRECTION**

