

***THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
AND
*THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI**

+WRIT PETITION No. 6000 of 2026

% 06.03.2026

Immadi Eswara Chandra Vidya Sagar,
S/o. Ammanna, aged about 75 years
Mortgager/Director
M/s. Vasavi Electro Systems Private Limited
R/o. D.No.3-67, Andhra Bank Road,
Ibrahimpattanam, NTR District, AP-521456.

.....Petitioner

And:

\$1. The Authorized Officer,
Canara Bank, Kondapalle Branch, Kondapalle,
Vijayawada, Andhra Pradesh-521456 and 4 others.

....Respondents

!Counsel for the petitioner : Smt. Thota Suneetha

^Counsel for the respondents : Sri T.B.L.Murthy

<Gist:

>Head Note:

? Cases referred:

1. 2024 SCC OnLine AP 5742
2. 2026 SCC OnLine SC 297

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DATE OF JUDGMENT PRONOUNCED: 06.03.2026

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI**

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|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

**_____
RAVI NATH TILHARI, J**

**_____
BALAJI MEDAMALLI, J**

APHC010104182026



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

[3572]

FRIDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 6000/2026

Between:

1. IMMADI ESWARA CHANDRA VIDYA SAGAR,, S/O. AMMANNA,
AGED ABOUT 75 YEARS MORTGAGOR / DIRECTOR M/S. VASAVI
ELECTRO SYSTEMS PRIVATE LIMITED R/O. D.NO.3-67, ANDHRA
BANK ROAD, IBRAHIMPATNAM, NTR DISTRICT, AP-521456.

...PETITIONER

AND

1. THE AUTHORIZED OFFICER, CANARA BANK, KONDAPALLE
BRANCH, KONDAPALLE VIJAYAWADA, ANDHRA PRADESH-521456.

2. M/S VASAVI ELECTRO SYSTEMS PRIVATE LIMITED, REP. BY ITS
MANAGING DIRECTOR SRI IMMADI BABJI D.NO.3-67, ANDHRA
BANK ROAD, IBRAHIMPATNAM, NTR DISTRICT, AP -521456.

3. SRI IMMADIBABJI MANAGING DIRECTOR, S/O. IMMADI ESWARA
CHANDRA VIDYA SAGAR, R/O. D.NO.41-3-8/A, FLAT NO.501, THE
BLUE OAKS PRIME, BIYYAPUKOTIA VARI BAZAR,
KRISHNALANKA, VIJAYAWADA, AP -520013. ALSO, AT D.NO.73-4-
24, WARD NO.32/1, PLOT NO.76, ASST. NO.31871B, DONKA ROAD,
THOTA VARI STREET, VIJAYAWADA-520010.

4. SRI IMMADI YUGANDHAR MORTGAGOR/GUARANTOR, S/O. IMMADI
ESWARA CHANDRA VIDYA SAGAR, R/O.D.NO.3-67, ANDHRA
BANK ROAD, IBRAHIMPATNAM, NTR DISTRICT, AP -521456.

5. SMT LMMADI ANITHA MORTGAGOR/GUARANTOR, W/O.LMMADI

BABJI, R/0.41-3-8/A, FLAT NO.501, THE BLUE OAKS PRIME, BIYYAPU KOTIA VARI BAZAR, KRISHNALANKA, VIJAYAWADA-520013. ALSO AT R/O.D.NO.74-14-60, PATAMATA, VIJAYAWADA-520010.

...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 to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus (a) declaring the action of the Respondent No.1 in issuing the Sale Notice dt. 17.02.2026 and initiating proceedings under Section 14 of the SARFAESI Act for taking physical possession of the Residential Building Property of the petitioner herein, which is situated at D.No.3-67 in an extent of 317 sq. yards, Andhra Bank Road, Ibrahimpatnam Gram panchayat, SRO Ibrahimpatnam, NTR District, Andhra Pradesh bounded by East Chilukuru Venkata Lakshmi Hanumantha Rao boundary Wall - 66.0 ft. / West Boundary wall between G.Madhava Rao share of property ad this property 66.0 ft./ South Panchayath Galli Bazaar 41.06 ft. /North Panchayath Pedha Bazaar 45.0 ft. without exhausting recovery through realization of other commercial. Industrial and non-residential assets as being illegal, arbitrary, violation of Principles of natural justice and also violation of Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India and consequently to set aside the same and also (b) To direct the 1st respondent bank to proceed first against other secured assets for recovery of dues (c) To direct fresh valuation of secured assets through an independent approved valuer and (d) pass such

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 may be pleased to grant stay of all further proceedings in pursuance of the sale notice dated 17.02.2026 including taking physical possession of the Residential Building Property of the petitioner herein under Section 14 of the SARFAESI Act, which is situated at Door No.3-67 in an extent of 317 sq. yards, Andhra Bank Road, Ibrahimpatnam Gram panchayat, SRO Ibrahimpatnam, NTR District, Andhra Pradesh bounded by: East:Chilukuru Venkata Lakshmi Hanumantha Rao boundary Wall 66.0 ft. est:Boundary wall between G.Madhava Rao share of property and this property 66.0 ft./ South:Panchayath Galli Bazaar 41.06 ft. /North: Panchayath Pedha Bazaar 45.0 ft., pending disposal of the main writ petition and pass such

Counsel for the Petitioner:

1.THOTA SUNEETHA

Counsel for the Respondent(S):

1.

The Court made the following**ORDER:** (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Smt. Thota Suneetha, learned counsel for the petitioner and Sri T.B.L.Murthy, learned counsel for the 1st respondent.

2. This petition under Article 226 of the Constitution of India has been filed by the petitioner, to whom notice has been issued under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'the SARFAESI Act').

3. There is no dispute that the petitioner is covered in the definition of the expression "borrower" under Section 2(1)(f) the SARFAESI Act, in as much as the petitioner stands as guarantor for the loan taken by respondent No.2-the principal borrower.

4. Under the challenge is the notice issued under Section 13(4) of the SARFAESI Act, which is one of the measures taken under the SARFAESI Act.

5. The petitioner has got the statutory efficacious alternative remedy under SARFAESI Act.

6. The Hon'ble Apex Court has reiterated time and again that in such matters, the writ petition should not be entertained. On consideration of various judgments of the Hon'ble Apex Court on the subject, a Co-ordinate Bench of this Court in ***Boddu Prasad Rao v. Punjab National Bank***¹ held that the petition under Article 226 or 227 of the Constitution of India though

¹ 2024 SCC OnLine AP 5742

maintainable but in view of the statutory alternative remedy, it is ordinarily not to be entertained.

7. Paragraph Nos.11 to 13 & 16 in **Boddu Prasad Rao** (supra) reads as under:

11. In Punjab National Bank vs. O.C. Krishnan and others {(2001) 6 SCC 569} the Hon'ble Apex Court held that the order which was passed by the Tribunal directing the sale of mortgaged property was appealable under Section 20 of the Recovery of Debts and Bankruptcy Act, 1993. The High Court ought not to have exercised its jurisdiction under Article 227 of the Constitution of India in view of the provision for alternative remedy contained in the Act. The Hon'ble Apex Court held that when there is an alternative remedy available judicial prudence demands that the court refrain from exercising its jurisdiction under the constitutional provisions under Articles 226 and 227 of the Constitution of India. The relevant part from O.C.Krishnan (supra) reads as under:

"In our opinion, the order which was passed by the Tribunal directing sale of mortgaged property was appealable under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short "the Act"). The High Court ought not to have exercised its jurisdiction under Article 227 in view of the provision for alternative remedy contained in the Act. We do not propose to go into the correctness of the decision of the High Court and whether the order passed by the Tribunal was correct or not has to be decided before an appropriate forum.

The Act has been enacted with a view to provide a special procedure for recovery of debts due to the banks and the financial institutions. There is hierarchy of appeal provided in the Act, namely, filing of an appeal under Section 20 and this last track procedure cannot be allowed to be derailed either by taking recourse to proceedings under Articles 226 and 227 of the Constitution or by filing a civil suit, which is expressly barred. Even though a provision court under Articles 226 and 227 of the Constitution, nevertheless when there is an alternative remedy available judicial prudence demands that the court refrains from exercising its jurisdiction under the said constitutional provisions. This was a case where the High

Court should not have entertained the petition under Article 227 of the Constitution and should have directed the respondent to take recourse to the appeal mechanism provided by the Act.”

12. *In Jagdish Singh v. Heeralal* {(2014) 1 SCC 479}, the Hon’ble Apex Court held as under:

18. *Any person aggrieved by any order made by the DRT under Section 17 may also prefer an appeal to the Appellate Tribunal under Section 18 of the Act.*

19. *The expression “any person” used in Section 17 is of wide import and takes within its fold not only the borrower but also the guarantor or any other person who may be affected by action taken under Section 13(4) of the Securitization Act. Reference may be made to the judgment of this Court in **Satyawati Tondon** case {(2010) 8 SCC 110}*

13. *Recently, in **PHR Invent Educational Society v. UCO Bank** {(2024) 6 SCC 579}, the Hon’ble Apex Court reiterated that in such matters the High Court should not entertain the petitions when there is statutory alternative remedy. Paragraph Nos. 28, 29 & 41 of **PHR Invent Educational Society** (supra) deserves reproduction as under:*

“28. It could thus be seen that this Court has strongly deprecated the practice of entertaining writ petitions in such matters.

29. *Recently, in **Celir LLP** {(2024) 2 SCC 1}, after surveying various judgments of this Court, the Court observed thus:*

*“101. More than a decade back, this Court had expressed serious concern despite its repeated pronouncements in regard to the High Courts ignoring the availability of statutory remedies under the RDBFI Act and the SARFAESI Act and exercise of jurisdiction under Article 226 of the Constitution. Even after the decision of this Court in **Satyawati Tondon** {(2010) 8 SCC 110}, it appears that the High Courts have continued to exercise its writ jurisdiction under Article 226 ignoring the statutory remedies under the RDBFI Act and the SARFAESI Act.”*

41. While dismissing the writ petition, we will have to remind the High Courts of the following words of this Court in *Satyawati Tondon (supra)* since we have come across various matters wherein the High Courts have been entertaining petitions arising out of the DRT Act and the SARFAESI Act inspite of availability of an effective alternative remedy:

“55. It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and the SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with greater caution, care and circumspection.”

* * * * *

16. We are of the considered view that though the petition under Articles 226 or 227 of the Constitution of India is maintainable, but in view of the statutory alternate remedy, it is generally not to be entertained. Any exceptional circumstance, to cover the present case within the well recognized exceptions to the doctrine of exhaustion of alternative statutory remedy could not be argued. So, we are not inclined to invoke the power under Article 226/227 of the Constitution of India in the nature of the present case.”

8. In the present case any exceptional circumstances under the well settled exceptions to general Rules of exhaustion of alternative remedy has not been pointed out to pursue us to entertain the writ petition.

9. We are, therefore, not inclined to entertain the writ petition under Article 226 of the Constitution of India.

10. Learned counsel for the petitioner placed reliance in ***Devaresetty Anasuyamma v. the State Bank of India SME Branch and others*** in W.P.No.5675 of 2016, decided on 25.02.2016, to contend that in the said

case, some directions were given to the Bank and the directions to the same nature may also be issued in the present case.

11. In the case relied upon, the action of the Bank was found to be in conformity with the provisions under Section 13 of the SARFAESI Act. This Court observed that no exception could be drawn thereto, but still issued certain directions *vide* para No.9 of the judgment. May be in the facts of that case.

12. As we are not inclined to entertain the writ petition itself on the ground of alternative remedy, any question of issuing any further direction does neither arise nor would be legally justified.

13. In ***Mangal Rajendra Kamthe v. Tahsildar, Purandhar and others***², the Hon'ble Apex Court held that it is settled law that once the High Court, upon application of mind, declines to entertain a writ petition in the exercise of its discretionary jurisdiction on the ground that an efficacious alternative remedy for grant of relief is available but such remedy has not been pursued by the petitioner, the proceedings do not survive and must draw to an end then and there and in such circumstance when no final relief can effectively be granted on the petition, it is impermissible to pass an order in the nature of an interim relief.

14. Paragraph Nos.4 to 7 in ***Mangal Rajendra Kamthe*** (supra) reproduced as under:

² 2026 SCC OnLine SC 297

“4. A parting observation, however, seems to be necessary considering the contents of the order of which contempt was alleged. The High Court, by its order dated 8th September 2025, allowed the petitioner to withdraw his writ petition because a remedy of revision under Section 23(2) of the Mamlatdar’s Court Act, 1906 was available against the order under challenge, which he did not pursue. However, to facilitate the revisional forum to be approached by the petitioner, the High Court directed that no coercive steps were to be taken and stayed the implementation of the order under challenge till 30th September, 2025.

5. Orders of similar nature have engaged our attention where the high courts, while declining to entertain writ petitions under Article 226 of the Constitution on the ground of availability of an efficacious alternative remedy to the writ petitioner(s) concerned have, nonetheless, granted relief [either by staying operation of the order(s) under challenge or directing maintenance of status quo] to be operative for a limited period to enable such petitioner(s) to seek appropriate relief from the alternative forum.

6. It is settled law that once the high court, upon application of mind, declines to entertain a writ petition in the exercise of its discretionary jurisdiction on the ground that an efficacious alternative remedy for grant of relief is available but such remedy has not been pursued by the petitioner, the proceedings do not survive and must draw to an end then and there; however, in such a circumstance when no final relief can effectively be granted on the petition, it is impermissible to pass an order in the nature of an interim relief [either by granting stay of operation of the order under challenge or by directing status quo to be maintained] till such time the aggrieved petitioner approaches the alternative forum. Such an order, as and when passed, would be in the teeth of a Constitution Bench decision of this Court in State of Orissa v. Madan Gopal Rungta {1951 SCC 1024}

7. At the dawn of the Constitution, this is what the learned Chief Justice speaking for the bench in Madan Gopal Rungta (supra) had ruled:

13. ... the existence of the rights is the foundation of the exercise of jurisdiction of the Court under this article. The judgment of the Orissa High Court under appeal, however, shows that the Judges have decided nothing at all in respect of the rights of the parties. Indeed they have expressly stated that their observations should not in any way be considered as deciding any of the rights or contentions of the parties raised in the petitions. The whole

judgment shows that because of the requirement of Section 80 of the Civil Procedure Code the present respondents could not file a suit against the Government for at least sixty days, the respondent's position should not in the interval be disturbed and accordingly the Court gave the directions in its order of 2-8-1951. If there was any doubt about the nature of the relief desired to be granted by the order of 2nd August the same Judges have made it perfectly clear by their order of 6th of August, wherein they have stated that except for these directions they were not prepared to make any other order on the petitions. The result therefore is that while the Judges declined to investigate and pronounce on the rights of the parties and expressly kept the determination thereof in abeyance in the suit proposed to be filed by the present respondents, they gave directions for interim relief till such suit was filed. It must be noted that with the passing of the order of 2-8-1951, containing directions in the nature of interim relief the petitions were completely disposed of and have not been kept pending for disposal. Those directions embody therefore the final order passed by the Court on these petitions. A preliminary objection was raised about the maintainability of the appeals on the ground that no final orders were passed on the petitions. That objection must fail in view of the fact that with these orders the petitions were disposed of finally and nothing further remained to be done in respect of the petitions. The fact that the operation of the order is limited to three months or a week after the filing of the intended suit does not prevent the order from being final.

14. On behalf of the appellant it was urged that the Court had no jurisdiction to pass such orders under Article 226 under the circumstances of the case. This is not a case where the Court before finally disposing of a petition under Article 226 gave directions in the nature of interim relief for the purpose of maintaining the status quo. The question which we have to determine is whether directions in the nature of interim relief only could be granted under Article 226, when the Court expressly stated that it refrained from determining the rights of the parties on which a writ of mandamus or directions of a like nature could be issued.

15. In our opinion, Article 226 cannot be used for the purpose of giving interim relief as the only and final relief on the application as the High Court has purported to do. The directions have been given here only to circumvent the

provisions of Section 80 of the Civil Procedure Code, and in our opinion that is not within the scope of Article 226. An interim relief can be granted only in aid of and as ancillary to the main relief which may be available to the party on final determination of his rights in a suit for (sic, or) proceeding. If the Court was of opinion that there was no other convenient or adequate remedy open to the petitioners, it might have proceeded to investigate the case on its merits and come to a decision as to whether the petitioners succeeded in establishing that there was an infringement of any of their legal rights which entitled them to a writ of mandamus or any other directions of a like nature; and pending such determination it might have made a suitable interim order for maintaining the status quo ante. But when the Court declined to decide on the rights of the parties and expressly held that they should be investigated more properly in a civil suit, it could not, for the purpose of facilitating the institution of such suit, issue directions in the nature of temporary injunctions, under Article 226 of the Constitution. In our opinion, the language of Article 226 does not permit such an action. On that short ground the judgment of the Orissa High Court under appeal cannot be upheld."

15. The Writ Petition is dismissed.

No order as to costs.

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

RAVI NATH TILHARI, J

BALAJI MEDAMALLI, J

Date: 06.03.2026

Note: LR copy to be marked

(B/o)

MDP