

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI



(Special Original Jurisdiction)



FRIDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR

AND

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 15667 OF 2025

Between:

M/s. India Infoline Home Finance Limited, A Company incorporated under the companies Act 1956, Rep. by its State Legal Manager Mr. Deepavathu Balaji Singh Naik, S/o. DMS Naik, Hindu, aged about 35 years, having its Branch office at #D.No.40-5-5-1/A, 1/B First Floor Chandramouli Puram Tickle Road, Vijayawada-520010, Krishna District, Andhra Pradesh.

...Petitioner

AND

1. Nageswara Rao Perikala, S/o. Prabhakara Rao, D.no.1-191, vaddamanu. Near Ambedkar Statue, Thulluru, Tadikonda, Guntur - 522236
2. P Anthonamma, W/o.Prabhakara Rao, D.no. 1-191, vaddamanu. Near Ambedkar Statue, Thulluru, Tadikonda, Guntur - 522236.
3. Perikala Krupavani, W/o.Nageswara Rao, D.no. 1-191, vaddamanu Near Ambedkar Statue, Thulluru Tadikonda, Guntur - 522236.
4. Perikala Prabhakara Rao, S/o. Jwanesh, D.no.1-191, vaddamanu Near Ambedkar Statue, Thulluru Tadikonda, Guntur - 522236



5. The Chief Judicial Magistrate-cum-Principle Senior Civil Judge, At
Guntur

...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 the Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ, thereby directing the Hon'ble Chief Judicial Magistrate Court at Guntur to set aside the order dt.03.03.2025 in CRLMP 62/2025 and also direct to issue fresh warrant to the Advocate Commissioner along with police aid and break open the locks for execution of the warrant with in a period of 2 weeks.

Counsel for the Petitioner: SRI HEMADRI V S S R R CHANDRAKANTH

Counsel for the Respondents: ----

The Court made the following: ORDER



WRIT PETITION NO: 15667 of 2025

M/s. India Infoline Home Finance Limited

...Petitioner

Vs.

Nageswara Rao Perikala and others

...Respondents

Advocate for Petitioner : Sri Hemadri V S S R R Chandrakanth

Advocate for Respondents : ---

CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATIDATE : 27th June, 2025P C :

1. The petitioner claims to have approached the Chief Judicial Magistrate-cum-Principal Assistant Sessions Judge, Guntur, by way of an application for appointment of an advocate commissioner in terms of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, 'the SARFAESI Act].

The application was allowed and an advocate commissioner was appointed for execution of the warrant within the time prescribed.

It appears that the warrant could not be executed for reasons which are reflected in the report of the advocate commissioner.

2. The difficulty expressed by learned counsel for the petitioner is that the order, dated 03.03.2025, is so worded that it prevents the petitioner from filing a fresh application in terms of Section 14 of the SARFAESI Act for the same relief.

3. We dispose of this Writ Petition with liberty to the petitioner to approach the Chief Judicial Magistrate concerned again in terms of Section 14 of the SARFAESI Act. If such an application is filed, the same shall be entertained and appropriate orders be passed by the Magistrate. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Chief Judicial Magistrate –cum-Principle Senior Civil Judge, At Guntur
2. One CC to Sri Hemadri V S S R R Chandrakanth Advocate [OPUC]
3. Three CD Copies

TF

HIGH COURT

DATED:27/06/2025

**ORDER
WP 15667/2025**



DISPOSING OF THE W.P., WITHOUT COSTS