



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

[3575]

MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

WRIT PETITION NO: 6382/2026

Between:

1.TALATAM NAGESWARA RAO, AGE 76YRS, S/O TALATAM
VEERANNA, R/O D.NO. 3-370, ANJANEYASWAMY GUDI VEEDHI,
KAJULURU MANDALAM, KAKINADA DISTRICT 533468

...PETITIONER

AND

1.THE UNION OF INDIA, REPRESENTED BY ITS PRI.SECRETARY,
FINANCIAL SERVICES DEPARTMENT,3RD FLOOR, JEEVAN DEEP
BUILDING SANSAD MARG, NEW DELHI 110001

2.THE SOUTH INDIAN BANK LTD, REP BY ITS AUTHORISED
OFFICER (REGIONAL OFFICE) VIJAYAWADA, KAJULURU
BRANCH, KAJULURU, EAST GODAVARI DISTRICT

...RESPONDENT(S):

CORAM:- THE HONOURABLE MRS. JUSTICE LISA GILL

THE HONOURABLE Mr. JUSTICE NINALA JAYASURYA

Present:- Mr. J.Ravi Kumar, Advocate for petitioner.

Mr. Parimi Rama Rayudu, Advocate for respondent No.1.

LISA GILL,J.

Prayer in this writ petition is for setting aside action of the respondents in initiating proceedings under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short

“SARFAESI Act”) in respect of properties of the petitioner as described in the writ petition, being in contravention of provisions under Section 122 of the Transfer of Property Act, 1882, Section 3 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short “Senior Citizens Act”), Section 35 and 37 of SARFAESI Act and during pendency of I.A. Application in S.A No.430 of 2025 before the learned Debt Recovery Tribunal, Visakhapatnam. It is further prayed that all proceedings under SARFAESI Act including proceedings in S.A No.430 of 2025 pending before the Debt Recovery Tribunal, Visakhapatnam be stayed as an interim measure.

2. Brief facts as pleaded in the writ petition are that, petitioner executed a gift deed in respect of the property in question in favour of his son on 11.12.2006. It is stated that gift deed was left incomplete as it is without acceptance by petitioner’s son, who however, gave his acceptance before he sought loan from respondent No.2 i.e., The South Indian Bank Limited. Petitioner admittedly stood guarantor for the loan facility. On inability of petitioner’s son and the petitioner to deposit the loan amount towards respondent No.2, the account was declared to be a Non-Performing Asset (NPA). Proceedings under SARFAESI Act were initiated. Details thereof are, however, not mentioned in the writ petition, except to say that petitioner’s son approached learned Debt Recovery Tribunal by filing S.A No.430 of 2025, which is still pending before the learned Tribunal.

3. In the meanwhile, proceedings were initiated for taking possession of the property by respondent No.2 by way of CrI.M.P No.252 of 2025 upon which W.P No.15256 of 2025 was filed by the petitioner’s son as well as the petitioner.

4. This writ petition, it is stated was dismissed by this High Court on 03.02.2026 as petitioners had not mentioned the factum of pendency of S.A No.430 of 2025 filed by them. SLP No.7610 of 2026 filed by them challenging the said order dated 03.02.2026 has also been dismissed.

5. Present petition has now been filed by petitioner for the relief as noted in foregoing paras, by stating that petitioner now feels insecure with the turn of events and wishes to cancel the gift deed in favour of his son in terms of Section 23 of the Senior Citizens Act.

6. Learned counsel for petitioner vehemently argued that it is a substantial questions of law which arises for consideration in this writ petition inasmuch as to which is the provision which shall hold precedence in the present situation i.e., Section 35 of the SARFAESI Act or Section 3 of the Senior Citizenship Act, both of which start with a non-obstante clause. It is submitted that present writ petition should be entertained and proceedings under SARFAESI Act should be set aside.

7. We have heard learned counsel and have perused the file.

8. It is a matter of record that loan facility was availed of by petitioner's son from respondent No.2 with the petitioner standing guarantor. Proceedings under SARFAESI Act were challenged by the petitioner and his son by filing S.A No.430 of 2025, W.P No.15256 of 2025 filed by petitioner along with his son, challenging the proceedings initiated for taking possession of property in question was admittedly dismissed by this Court on 03.02.2026, while specifically observing that there is concealment of material particulars by the petitioner while approaching this Court and interim order therein had been obtained by suppressing material facts. Conduct of petitioners therein including the present petitioner was deprecated and said writ petition was disposed of without expression of any opinion on the merits thereon, with liberty to petitioners to pursue their remedy in S.A No.430 of 2025 with cost of Rs.25,000/- being imposed on petitioners.

9. S.L.P No.7610 of 2026 filed by petitioners challenging the said order dated 03.02.2026 was dismissed on 26.02.2026.

10. Present writ petition has now been filed in a clever manner, purportedly raising a question of law whereas it is apparent that petitioner is in effect

seeking to avoid the consequences of proceedings initiated under the SARFAESI Act. Arguments raised on behalf of petitioner are clearly misconceived and devoid of any merits, hence, rejected.

11. Moreover, it is to be noted that it is incumbent upon a litigant to raise all available pleas at one time, there can be no piecemeal raising of pleas. Present petition is misconceived and a misadventure on the part of petitioner.

12. We do not find any ground to cause interference in this matter in exercise of jurisdiction under Article 226 of the Constitution of India.

13. Writ Petition is, accordingly, dismissed. We refrain from imposing any costs at this stage, in view of fervent request on part of learned counsel for petitioner. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(NINALA JAYASURYA)
JUDGE

Date:16.03.2026
Ksj