



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 7959 OF 2025 (GM-DRT)

BETWEEN:

1. SRI SHABBER HUSSAIN
S/O NISAR HUSSAIN,
AGED ABOUT 38 YEARS,
R/AT 2ND STAGE,
NEAR QUBA MASIDI,
RML NAGARA,
SHIVAMOGGA -577 201.
2. SRI HASNAIN MUSTAFFA
S/ONISAR HUSSAIN,
AGED ABOUT 35 YEARS,
R/AT ALI MANZIL,
10TH CROSS, RML NAGARA,
GOPAL EXTENSION,
SHIVAMOGGA – 577 201
REP. BY GPA HOLDER,
SRI MOHAMMED IMTIYAZ,
S/O ABDUL GAFFAR SAB,
AGED ABOUT 41 YEARS,



R/AT K.R.PURAM ROAD,
SHIVAMOGGA – 577 201

...PETITIONERS
(BY SRI. YASHAVANTHSWAMY A.M., ADVOCATE)

AND:

CANARA BANK
GOVT OF INDIA UNDERTAKING
BRANCH OFFICE AT VINDOBHANAGARA
SHIVAMOGGA DIST -577 201,
REP. BY THE BANK MANAGER

...RESPONDENT
(BY SRI. SHETTY VIGNESH SHIVARAM, ADVOCATE)

THIS PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO
DIRECT, QUASHING THE PHYSICAL POSSESSION NOTICE
DATED: 18.01.2025 ISSUED BY THE RESPONDENT BANK
IS PRODUCED AS ANNEXURE-F TO THE WP.

THIS PETITION, COMING ON FOR ORDERS, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed seeking the following prayer:

"WHEREFORE, it is respectfully prayed that this Hon'ble Court may be pleased to-,

a. Issue writ of certiorari or any other writ or order or direction, in the nature of writ, quashing the physical possession notice dated 18.01.2025 issued by the respondent bank is produced as Annexure-F to the writ petition.

b. Pass such other order as this Hon'ble Tribunal deems fit to grant under the circumstances of the case in the interest of justice and equity."

2. The Co-ordinate Bench of this Court on 18.03.2025 had passed an order that there shall be an interim order of stay till the next date of hearing subject to the petitioners depositing 10% of the outstanding amount within four weeks from today. Any deviation in paying the amount within the timeline as stipulated, would entail vacation of the interim order and would also run the risk of dismissal of the petition itself.

3. Learned counsel appearing for the petitioners submits that as per the order passed by the Co-ordinate Bench of this Court, the petitioners have paid an amount of Rs.86,000/- which is 10% of the outstanding amount.



4. Learned counsel appearing for the respondent/bank submits that the property which is mortgaged to the bank is sold by the petitioners and they are not entitled for any relief from this Court.

5. Having heard the learned counsels on either side, perused the material on record. Learned counsel for the petitioners does not dispute the fact that the property which is mortgaged to the bank is sold by the petitioners, they are not entitled for any relief from this Court. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As., in the writ petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**