



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

WRIT PETITION NO.35054 OF 2025 (GM-DRT)

BETWEEN:

1. SRI. E.V.SRIRAMULU
S/O LATE VENKATASWAMPPA,
AGED ABOUT 62 YEARS
DOOR NO.152, SUGGONDAHALLY VILLAGE,
MALUR TALUK, KOLAR DISTRICT,
KARNATAKA – 563 130
2. SHRI. MANJUNATHA
S/O SRI E.V.SRIRAMULU
AGED ABOUT 40 YEARS,
DOOR NO.152, SUGGONDAHALLY VILLAGE,
MALUR TALUK, KOLAR DISTRICT,
KARNATAKA – 563 130

...PETITIONERS

(BY SRI. ARAVIND M NEGLUR., ADVOCATE)

AND:

UNION BANK OF INDIA
ASSETS RECOVERY BRANCH
REPRESENTED HEREIN BY ITS MANAGER
BENGALURU NORTH, NO.1234, 1ST FLOOR,

Digitally
signed by
MEGHA
MOHAN
Location:
HIGH
COURT OF
KARNATAKA



4TH MAIN, OPP: CHANDRA LAYOUT BUS STOP,
BENGALURU – 560 040

...RESPONDENT

(BY SRI. VIGNESH SHETTY, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO a) QUASH THE IMPUGNED ORDER DATED 13.11.2025 PASSED BY THE HON'BLE DEBT RECOVERY TRIBUNAL-II AT BENGALURU DISMISSING I.A.NO.3271/2025 FILED IN SECURITIZATION APPLICATION (S.A) NO.375/2025 WHICH IS AT ANNEXURE-A; b) CONSEQUENTLY, ALLOW THE APPLICATION DATED 12.11.2025 BEARING I.A.NO.3271/2025 FILED IN SECURITIZATION APPLICATION (S.A) NO.375/2025 BEFORE THE HON'BLE DEBT RECOVERY TRIBUNAL-II AT BENGALURU WHICH IS AT ANNEXURE-G; c) QUASH THE AUCTION SALE NOTICE DATED 06.11.2025 BEARING NO. ARB/83/SN15/107/2025-26 ISSUED BY THE RESPONDENT WHICH IS AT ANNEXURE-F AND ETC

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



CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India seeking and following relief:

"The petitioner prays that this Hon'ble Court be pleased to issue a Writ, Order or Direction in the nature of a Writ:

- A. Quash the impugned order dated 13.11.2025 passed by the Hon'ble Debt Recovery Tribunal-II at Bengaluru dismissing I.A.No.3271/2025, filed in Securitization Application (S.A.) No.375/2025 which is at Annexure-'A';*
- B. Consequently, allow the application dated 12.11.2025 bearing I.A.No.3271/2025, filed in Securitization Application (S.A.) No.375/2025 before the Hon'ble Debt Recovery Tribunal-II at Bengaluru which is at Annexure 'G';*
- C. Quash the Auction Sale Notice dated 06.11.2025 bearing No.ARB/83/SN15/107/2025-26 issued by the Respondent which is at Annexure 'F';*
- D. Pass any other order that this Hon'ble Court deems fit, in the furtherance of justice."*



2. Heard the arguments of learned counsel for both sides.

3. The petitioners have filed SA.No.375/2025 before the Debt Recovery Tribunal contending that the sale notice issued dated 09.09.2025 bearing No.ARB/83/SN30/23/2025-26 is illegal and prayed for quashing the same. The averments are that without following the prescribed procedures provided under Section 13 of the SARFAESI Act, the notice was issued. On 13.11.2025, the petitioners moved an application in I.A.No.3271/2025 seeking advancement of SA.No.375/2025 to stay the fresh notice issued dated 06.11.2025 for scheduling the sale of the property on 28.11.2025. Considering the prayer in SA.No.375/2025, the Debt Recovery Tribunal had observed that the relief sought in I.A.No.3271/2025 constitutes a different and distinct incident. Therefore, that cannot be considered in SA.No.375/2025 and the said advancement application was rejected. Being aggrieved by the same, this writ petition is filed praying for the above said reliefs.



4. Learned counsel for the petitioners submits that cause of action means bundle of events that gives rise to a litigation. Therefore, merely sought for the quashing of sale notice dated 09.09.2025 cannot be considered that subsequent events shall not be considered by the Debt Recovery Tribunal in respect of the very same property in the very same petition. Therefore, the said observation of the Debt Recovery Tribunal in the order dated 13.11.2025 is incorrect. Since the Debt Recovery Tribunal has not given an opportunity to the petitioners to consider the said application, they were constrained to file this writ petition because they had no other alternative remedy to challenge the said order.

5. Learned counsel for the respondent/bank supported the impugned order and contended that as per Section 17 of the SARFAESI Act, each acts of respondent amounts to distinct and different cause of action. Any party being aggrieved by it shall file different petition under Section 17 of SARFAESI Act within a period of 45 days. Under the sale notice dated 09.09.2025, the respondent has already auctioned item No.2 of the property and remaining item No.1 of the schedule property



was not auctioned because there were no bidders. Therefore, fresh sale notice was issued dated 06.11.2025 as per Annexure-F. If the petitioners are aggrieved by the same, they have to challenge the same before the competent authority by filing separate applications as prescribed under Section 17 of the SAFAESI Act. Therefore, the observation made by the Debt Recovery Tribunal in the order dated 13.11.2025 is proper and interference in the same is not required. Hence, prays to reject the writ petition. He further contends that if the petitioners are aggrieved by the order dated 13.11.2025, then an efficacious remedy is available under Section 18 of the SARFAESI Act. Therefore, they cannot file writ petition seeking the relief under the extraordinary jurisdiction of the High Court, on this count also, writ petition is not maintainable and prays for dismissing the same.

6. It is not in dispute that the relief sought in the SA.No.375/2025 is to quash the sale notice dated 09.09.2025. The said notice was issued for sale of item Nos.1 and 2 of the schedule property. It is not in serious dispute that as per the said sale notice, item No.2 of the schedule property was



auctioned and auction was not complete in respect of item No.1 of the schedule property. Therefore, once again fresh sale notice dated 06.11.2025 was issued as per Annexure-F. Whether the sale of property at item No.2 of schedule is proper or not may have to be considered in SA.No.375/2025. In respect of item No.1 of the schedule property, the said notice became infructuous. That is why a fresh sale notice was issued by respondent dated 06.11.2025.

7. It is true that cause of action means a bundle of events, whichever averred in the writ petition that led to a litigation. The subsequent event, unless it is included in the petition, cannot be part of the cause of action. Therefore, the subsequent action taken by the respondent for sale of the mortgaged property or secured property cannot be considered as continuation of the event as prayed in the SA.No.375/2025. If the petitioners are aggrieved by the second notice dated 06.11.2025, they would have approached the Debt Recovery Tribunal in this regard, in accordance with law. Even there is no reference in this respect in SA.No.375/2025. Without such pleading, the petitioners cannot seek such a relief against the



said action initiated by the respondent. Therefore, the Debt Recovery Tribunal rightly rejected the advancement application filed by the petitioners vide order dated 13.11.2025. I do not find any reason to interfere in the said findings.

8. As per Section 18 of the SARFAESI Act, if petitioners are aggrieved by an order dated 13.11.2025, they have a forum to challenge the same before Debt Recovery Appellate Tribunal. When an efficacious remedy is available under the provision of special enactment, invoking the extraordinary jurisdiction of the High Court under Articles 226 and 227 of the Constitution of India is not permissible. On both the counts, the writ petition is not maintainable. In view of the above said discussion, I pass the following:

ORDER

- i. The writ petition is ***dismissed*** as not maintainable.



- ii. The petitioners are at liberty to approach the appropriate forum, if they are advised so.
- iii. In view of the disposal of the writ petition, all the pending I.As shall stand disposed off.

Sd/-
(UMESH M ADIGA)
JUDGE