



CNR: KAHC010009382024

NC: 2026:KHC:45941  
WP No. 794 of 2024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 25<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 794 OF 2024 (GM-DRT)**

**BETWEEN:**

1. M/S. PEBBALIO CONCRETE PRODUCTS,  
NO.10 AND 11, GIDDENAHALLI VILLAGE,  
ATTIBELE, ANEKAL TALUK NEXT TO APPLICOM,  
BENGALURU.

REPRESENTED BY ITS PARTNER.

2. SRI. SRIDHAR R.,  
AGED ABOUT 53 YEARS,  
S/O. SRI. V.RANGANATH,
3. ULAGANATHAN R.,  
AGED ABOUT 47 YEARS,  
S/O. SRI. V.RANGANATH,
4. VENKATESH R.,  
AGED ABOUT 58 YEARS,  
S/O. SRI. V.RANGANATH,

MRS YESHODHA  
(DESEASED ON 16.02.2023)  
AGED MAJOR,  
W/O LATE RANGANATH,

5. SRI. VIJAYAKUMAR R.,  
AGED ABOUT 61 YEARS,  
S/O. SRI. V.RANGANATH,

ALL ARE RESIDING AT NO.2,  
4TH 'A' CROSS,

Digitally signed by  
PREMCHANDRA M R  
Location: HIGH  
COURT OF  
KARNATAKA



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TANK SHORE ROAD,  
BTM LAYOUT,  
BENGALURU-560 076.

...PETITIONERS

(BY SRI. RAJENDRA M.A., ADVOCATE FOR P1 TO P4 - ABSENT;  
SRI. K.S.NAGARAJA RAO, ADVOCATE A/W  
SRI. ASHOK BANNIDINNI, ADVOCATE FOR P5)

**AND:**

THE AUTHORIZED OFFICER  
CANARA BANK  
"AVANI ARCADE" NO. L1136.  
GROUND FLOOR, 17TH CROSS,  
80 FT ROAD, SECTOR-7, H S R LAYOUT,  
BENGALURU-560 102.  
REPRESENTED BY ITS  
GENERAL MANAGER.

...RESPONDENT

(BY SRI. VIGNESH S. SHETTY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN  
RELIEFS.

THIS WRIT PETITION IS LISTED FOR DISMISSAL, THIS  
DAY, AN ORDER IS MADE AS UNDER:

**ORAL ORDER**

Though matter called twice, there is no representation on  
behalf of counsel for petitioners 1 to 4.



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Sri.K.S.Nagaraja Rao., counsel on behalf of Sri.Ashok Bannidinni., for petitioner No.5 and Sri.Vignesh S.Shetty., counsel for the respondent appeared in person.

2. This petition is filed seeking following reliefs:

- a) It is respectfully prayed to-quash/ set aside the impugned order dated:27.12.2023 passed by the Prl. Senior Civil Judge and CJM Court, Bengaluru Rural, in CrI.Misc.No.1700/2023 Annexure-A, since there is gross violation of provisions of the Act and on substantial question of law, which the Prl. Senior Civil Judge and CJM Court, Bengaluru Rural, failed to consider while passing the impugned order.
- b) Restrain the respondent bank from taking possession of the schedule property by virtue of the impugned order.
- c) Grant such other reliefs that this Hon'ble Court may deem fit and proper to grant under the circumstances of the case, including the cost of these proceedings, in the interest of justice and equity.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. Suffice it to note that the respondent Bank had filed petition under Section 14 of the SARFAESI Act in



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Crl.Misc.No.1700/2023 and the Court vide order dated:27.12.2023 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.

It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of **UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI



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Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the 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 great caution, care and circumspection. Hence, I decline to exercise power under writ jurisdiction. Accordingly, the writ petition is ***dismissed***. The petitioners may approach the appropriate forum if so advised and if the law permits.

Because of dismissal the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-  
(JYOTI M)  
JUDGE**

MRP  
List No.: 1 Sl No.: 57