



CNR: KAHC010050562024

NC: 2026:KHC:41859
WP No. 3023 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 3023 OF 2024 (GM-DRT)

BETWEEN:

1. S.M.VENKATESH,
S/O. MUDDIRIAH,
AGED ABOUT 56 YEARS,
2. SMT. R.SHAKUNTALA,
W/O. SRI. S.M.VENKATESH,
AGED ABOUT 53 YEARS,
3. YOGESH KUMAR S.V.,
S/O. S.M.VENKATESH,
AGED ABOUT 29 YEARS,

PETITIONERS NO.1 TO 3 ARE
RESIDENTS OF NO.1/2,
GROUND FLOOR,
NEAR GOVERNMENT SCHOOL,
CHENNASANDRA,
BENGALURU-560098.

...PETITIONERS

(BY SRI. NAGARAJ S. JAIN, ADVOCATE - ABSENT)

AND:

SHRIRAM FINANCE LTD.,
(FORMERLY KNOW AS SHRIRAM CITY
UNION FINANCE LTD.,)
HEAD OFFICE AT
WOCKHARDT TOWERS, LEVEL-1,
EAST WING, C-2, G-BLOCK,



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BANDRA KURLA COMPLEX
EAST MUMBAI-400 051.
BRANCH OFFICE AT
NO.194, 1ST FLOOR, 7TH CROSS,
CMH ROAD, 1ST STAGE, INDIRANAGAR,
BENGALURU-560038.
REPRESENTATIVES BY ITS
AUTHORIZED OFFICER
SRI. MANJUNATH RAO H.N.,
(LEGAL HEAD)
REGISTERED UNDER SOCITIES ACT.

...RESPONDENT

(BY SRI. CHANDRASHEKAR S.N., ADVOCATE)

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

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

ORAL ORDER

Though matter called twice, none appeared on behalf of
the petitioners.

Sri.Chandrashekar S.N., counsel for the respondent
appeared in person.

2. This petition is filed seeking following reliefs:

- (i) Issue a writ in the nature of certiorari by
quashing the impugned notice dated
08.09.2022 issued by the respondent at



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Annexure-B under the provisions of SARFAESI Act and all further proceedings pursuant to the said notice as illegal and arbitrary.

- (ii) Issue any other writ or pass any other order/s or direction or grant any other relief/s as deemed fit by this Hon'ble Court under the facts and circumstances of the case in the interest of justice and equity.

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

4. The authorized officer of the Bank issued possession notice on 08.09.2022. The petitioners grievance is about the issuance of the possession notice. Any person/s aggrieved by issuance of notices under SARFAESI Act/ Rules are not powerless. They have a liberty of filing objections and also approach DRT under Section 17 of the Act, appealing to the Tribunal if needed. The Apex Court has settled the law in a catena of decisions that a possession notice cannot be challenged by filing a writ petition. The litigants are not



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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 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



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discretion in such matters with great caution, care and circumspection.

The Apex Court in Phoenix Case's has held that filing of writ petition before the High Court under Article 226 of Constitution of India is an abuse of process of the Court. It is also observed that whenever a notice is issued under Section 13(2) and 13(4) of the SARFAESI Act, a litigant has statutory efficacious remedy by filing an appeal under the SARFAESI Act, and has cautioned the High Courts not to entertain the writ petitions. Hence, I decline to exercise discretionary power under writ jurisdiction. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioners may approach appropriate forum if so advised and if the law permits.

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

SD/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 29