



CNR: KAHC010062522023

NC: 2026:KHC:45449
WP No. 2679 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2679 OF 2023 (GM-DRT)

BETWEEN:

1. M/S. M.M.BRICKS,
BY ITS PROPRIETOR SRI. MANJUNATH M.R.,
S/O. M.S.RAMALINGARAJU,
AGED ABOUT 57 YEARS,
SURVEY NO.238, PROPERTY NO.43,
UNIQUE CODE NO.152200421124020050,
TALLUR VILLAGE, JAYAPURA HOBLI,
MYSORE TALUK, MYSORE DISTRICT-570004.
2. SMT. MANJULA MANJUNATH,
W/O. MANJUNATH M.R.,
AGED ABOUT 49 YEARS,
SURVEY NO.238, PROPERTY NO.43,
UNIQUE CODE NO.152200421124020050
TALLUR VILLAGE, JAYAPURA HOBLI,
MYSORE TALUK, MYSORE DISTRICT-570004.

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

ALSO AT
D.NO.449/2, SOMESHWARA NILAYA,
VEENE SHAMANNA STREET,
FORT MOHALLA, MYSURU-570004.

...PETITIONERS

(BY SRI. GOVINDARAJ K., ADVOCATE)

AND:

M/S. CENTRAL BANK OF INDIA,
NO.147, K-51, RAMAVILAS ROAD,
K.R.MOHALLA, MYSURU-570024.
REPRESENTED BY ITS



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AUTHORISED OFFICER/MANAGER
SRI. SUDHIR VISHWAS DERE,
AGE 35 YEARS
S/O. VISHWAS MAHADEV DERE,

...RESPONDENT

(BY SRI. Y.P.GOKUL, 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 PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri.Govindaraj.K., counsel for the petitioners and
Sri.Y.P.Gokul., counsel for the respondent appeared in person.

2. This petition is filed seeking following reliefs:

- (a) Issue a Writ of Certiorari or any other appropriate writ quashing the order dated 28.11.2022 passed in CrI.Misc.No.226/2022 by the Court of the III Addl. Senior Civil Judge and CJM, at Mysuru as per vide Annexure-D.
- (b) Pass an appropriate order directing the respondent to hand over/ release the possession of the house property of petitioners in D.No.449/2, Someshwara



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Nilaya, Veene Shamanna street, Fort Moholla,
Mysuru, in their favor.

- (c) Pass any other appropriate order as this Hon'ble Court deems fit to meet the ends 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 Crl.Misc.No.226/2022 and the Court vide order dated:28.11.2022 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



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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 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 petitioner may approach appropriate forum if so advised and if the law permits.



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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.: 38