



CNR: KAHC010063682022

NC: 2026:KHC:52015
WP No. 3099 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 3099 OF 2022 (GM-DRT)

BETWEEN:

1. SRI VENKATA RAO G M
S/O VENKATESH MALLAKONDAIAH
AGED ABOUT 37 YEARS
R/AT NO.63, K R GARDEN
2ND STAGE, 1ST CROSS, COX TOWN
JEEVANAHALLI, FRAZER TOWN
BENGALURU-560005.

...PETITIONER

(BY SRI. SUDARSHAN .S, ADVOCATE)

AND:

1. M/S TJSB SAHAKARI BANK LTD
JAYANAGARA BRANCH, OFFICE AT NO.19
ALOKA MANSION, 10TH B MAIN ROAD
3RD BLOCK, JAYANAGARA
BENGALURU-560011
REP BY ITS AUTHORISED OFFICER
SRI HARIPRASAD SHETTIGAR

...RESPONDENT

(BY SRI. B.R. VISHWANATH ,ADVOCATE [NOC])

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
IMPUGNED ORDER DATED 10.12.2021 IN
CRL.MISC.NO.50128/2021 PASSED BY THE XI ADDITIONAL

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SACHIN SHANKAR MAGADUM
Verified





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CHIEF METROPOLITAN MAGISTRATE, AT BENGALURU VIDE
ANENXURE-F; AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner, who is the borrower and an admitted defaulter, is before this Court calling in question the action initiated by respondent-Secured Creditor under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

2. It is well settled by the Hon'ble Apex Court that ordinarily the writ jurisdiction of this Court ought not to be invoked to interdict the measures undertaken by a secured creditor under the SARFAESI Act, particularly when an efficacious statutory remedy is available to the aggrieved borrower. Despite the aforesaid settled position, this Court, taking a lenient view in favour of the petitioner, had granted interim protection by order dated 11.02.2022,

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subject to the petitioner depositing 30% of the amount due.

3. The petitioner, however, failed to avail the benefit of the conditional protection so granted. Despite being afforded an opportunity to make the requisite deposit and thereby demonstrate his bona fides, the petitioner did not comply with the condition imposed by this Court. Consequently, by a detailed order dated 29.04.2025, the interim order came to be vacated.

4. Even after vacation of the interim order, the respondent-Bank has been unable to proceed with the recovery measures solely on account of the continued pendency of the present writ petition. The record, therefore, does not disclose any circumstance warranting further interference by this Court in exercise of its extraordinary jurisdiction.

5. More importantly, the petitioner was afforded sufficient opportunity to regularise the loan account by complying with the condition imposed under the interim



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order. The failure to deposit even the amount stipulated by this Court, coupled with the admitted default, clearly demonstrates that the petitioner has not evinced any bona fide inclination to liquidate the outstanding dues. The pendency of the writ petition cannot, in such circumstances, operate as a shield against the lawful recovery measures available to the secured creditor under the SARFAESI Act.

In that view of the matter, this Court finds no ground to exercise its extraordinary jurisdiction in favour of the petitioner.

The writ petition is devoid of merit and is accordingly ***dismissed.***

The respondent-Bank is at liberty to proceed further in accordance with law under the provisions of the SARFAESI Act.

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SACHIN SHANKAR MAGADUM
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(SACHIN SHANKAR MAGADUM)
JUDGE