



CNR: KAHC010066572025

NC: 2026:KHC:55548
WP No. 2810 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 2810 OF 2025 (GM-DRT)

BETWEEN:

1. MR. TOUSEEF PARVEEZ MOHAMEDALI
S/O. LATE MAHAMMED ALI @ AFSAR.
AGED ABOUT 31 YEARS,
2. SMT.IQBAL UNNISA
W/O.LATE MOHAMMED ALI @ AFSAR,
AGED ABOUT 71 YEARS,

BOTH ARE RESIDING AT WARD NO.14,
3RD CROSS, MANDYA ROAD,
MAYANNANA KOPPALU ROAD,
NAGAMANGALA TALUK,
MANDYA DISTRICT- 571432

...PETITIONERS

(BY SRI. N KUMAR.,ADVOCATE)

AND:

1. AUTHORIZED OFFICER
CANARA BANK,
MANDYA REGIONAL OFFICE,
NO 4F, VIVEKANANDA NAGAR,
CHIKKA MANDYA KERE,
MANDYA- 571401
REP BY DIVISIONAL MANAGER

...RESPONDENT

(BY SRI. VIGNESH SHETTY.,ADVOCATE)





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THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE NOTICE DATED 23.01.2025 UNDER SECTION 13(4) OF SARFAESI ACT, 2002 BY THE RESPONDENT BY FIXING A E AUCTION OF THE MORTGAGED PROPERTIES ON 25/02/2025 AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

"a] to Issue a Writ of Certiorari by quashing the Notice dated 23.01.2025 under Section 13(4) of SARFAESI ACT, 2002 issued by the Respondent by fixing a E-auction of the mortgaged properties and on 25.02.2025 at "Annexure - "A". (in so as petitioner land owner)

[b] To issue any other appropriate direction as deems fit by this Hon'ble Court having regard to the facts and circumstances of the case by allowing the above Petition, in the interest of justice and equity."

2. This Court vide interim order dated 01.02.2025 had granted stay subject to the petitioner depositing 20% of the amount in question. The bank preferred Writ Appeal No.226/2025. A Division Bench of this Court vide order dated

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MONNAPPA POONACHA



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26.11.2025 allowed the said writ appeal. The relevant portion of the order passed by the Division Bench reads as under:

"5. One of the fundamental questions that arises for consideration is, whether it is apposite to entertain the writ petition having regard to Sections 17 and 34 of the SARFAESI Act.

6. In terms of Section 34 of the SARFAESI Act, no Civil Court would have jurisdiction to entertain any suit or proceeding in respect of matters, which the Debt Recovery Tribunal or the Appellate Tribunal is empowered to adjudicate under the SARFAESI Act and no injunction should be granted by any Court or any other authority in respect of any action taken or to be taken pursuant to any power conferred under the SARFAESI Act or the Recovery of Debts and Bankruptcy Act, 1993.

7. We also note that the writ petitioners have a statutory remedy of agitating their grievance under Section 17 of the SARFAESI Act in respect of any measures referred to in Subsection (4) of Section 13 of the Act.

8. Although existence of an alternative remedy does not bar the jurisdiction of a High Court under Article 226 of the Constitution of India; but it is equally well settled that Courts would normally refrain from exercising jurisdiction under Article 226 of the Constitution of India, in the event of an existence of an alternate remedy.

9. Further, the impugned order does not provide any reasons for issuing the impugned order. The learned Single Judge has not noted any allegation or any grounds for assailing any measures taken under Section 13(4) of the SARFAESI Act. The Court has also not expressed any prima facie view, which would warrant passing an interim order.

10. In view of the above, the impugned order is set aside. It is clarified that all rights and contentions of the parties are reserved.

11. The present, appeal is accordingly, allowed.

12. Pending applications, if any, stand disposed of."

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3. This Court vide order dated 01.10.2026 has also noticed the order passed by the Division Bench and ordered for re-listing of the matter this day since none has appeared for the petitioner.

4. Having regard to the order passed by the Division Bench as noticed above, the writ petition stands dismissed.

5. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND
List No.: 1 SI No.: 57