



CNR: KAHC010091402024

NC: 2026:KHC:37358
WP No. 4407 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 4407 OF 2024 (GM-DRT)

BETWEEN:

M/S RAVINDRA POULTRY
AGED ABOUT 44 YEARS
S/O SRI VENKATARAMANAPPA
CHIKKAGUATA HALLI VILLAGE
TAYALUR HOBLI
MULBAGAL TALUK
KOLAR DISTRICT - 563 131
REPRESENTED BY ITS PROPRIETOR
SRI C V RAVINDRA
(UN-REGISTERED FIRM)

...PETITIONER

(BY SRI. SRIKANTH A., ADVOCATE)

AND:

CANARA BANK
MULBAGAL BRANCH
TAYALUR HOBLI
MULBAGAL TALUK
KOLAR DISTRICT - 563 131
REPRESENTED BY ITS
AUTHORIZED OFFICER/CHIEF MANAGER.

...RESPONDENT

(BY SMT. PREETHU, ADVOCATE FOR
SRI. VIGNESH SHETTY, ADVOCATE)

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

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



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

ORAL ORDER

Sri. Srikanth.A., counsel for the petitioner appeared through video conferencing and Smt. Preethu, counsel on behalf of Sri. Vignesh Shetty, for the respondent appeared in person.

2. This petition is filed seeking following reliefs:

- a) *To set aside the impugned notice under Section 13(4) of the sarfaesi Act, 2002 dated. 31/01/2024 Ref/52/0769/PN/862/5483 as per Annexure-"B" which is impugned herein and consequential proceedings insofar petitioner concerned.*
- b) *To restrain the Respondent Bank not to take possession of the schedule property.*
- c) *To restrain the Respondent Bank from further proceeding against the Schedule Property of the petitioner under SARFAESI Act, 2002.*
- d) *To direct the respondent Bank to grant an opportunity to the petitioner to settle the Dues*



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so far only the principle amount and to waive the interest amount to redeem the property.

e) To grant such other relief or reliefs as this Hon'ble Court may deem fit to grant under the facts and circumstances of the case, 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. The authorized officer of the Bank issued possession notice on 31.01.2024. The petitioner's 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 remediless, as the



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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.

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



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the SARFAESI Act, and has cautioned the High Courts not to entertain the writ petitions. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioner may approach 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**

PHM
List No.: 1 Sl No.: 40