



CNR: KAHC010104332024

NC: 2026:KHC:37694
WP No. 5308 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 5308 OF 2024 (GM-DRT)

BETWEEN:

MR. K.T.FRANCIS,
S/O. MR. K.V.THOMAS,
AGED ABOUT 61 YEARS,
R/AT D.NO.89/3, 1ST CROSS,
13TH MAIN, OPP. TO BANASHANKARI,
HONGASANDRA, BEGUR ROAD,
BENGALURU-560068.

...PETITIONER

(BY SRI. RAJESH RAO K., ADVOCATE)

AND:

M/S. SHRIRAM CITY UNION FINANCES LIMITED
HAVING ITS REGISTERED OFFICE AT
NO.123, ANGAPPA NAICKEN STREET,
CHENNAI-600001,
AND ADMINISTRATIVE OFFICE,
REPRESENTED BY ITS ATTORNEY HOLDER,
SMT GEETHA,
OFFICE AT NO.195, 'SHREE TOWERS',
1ST FLOOR, ABOVE HDFC BANK,
10TH CROSS, WILSON GARDEN,
BENGALURU-560027.

...RESPONDENT

(BY SRI. AVINASH B.C., ADVOCATE)

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



CNR: KAHC010104332024

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WP No. 5308 of 2024**

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

ORAL ORDER

Sri.Rajesh Rao K., counsel for the petitioner appeared through video conferencing and Sri.Avinash B.C., counsel for respondent appeared in person.

2. This petition is filed seeking following reliefs:

- (i) Allow this petition and be pleased to issue a writ of certiorari, mandamus or any other appropriate writ, order or direction, to set aside the possession notice issued by the respondent vide Annexure-A vide order dated 14.12.2023 so far as the petitioner is concerned.
- (ii) To grant such other relief or reliefs as this Hon'ble Court deems fit to grant in 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.



CNR: KAHC010104332024

4. The authorized officer had issued possession notice on 14.12.2023. The petitioner 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 Tribunal has been established specifically to adjudicate the *lis*.

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 petitioner may



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WP No. 5308 of 2024**

CNR: KAHC010104332024

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**

SS
List No.: 1 Sl No.: 27