



CNR: KAHC010121972025

NC: 2026:KHC:43793
WP No. 6063 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 6063 OF 2025 (GM-DRT)

BETWEEN:

SRI. Y.N.CHANDRU,
S/O. LATE NINGEGOWDA,
AGED ABOUT 64 YEARS,
YELIYURU VILLAGE,
MANDYA TALUK,
MANDYA DISTRICT - 571402.
KARNATAKA.

...PETITIONER

(BY SRI. MADHUKAR S., ADVOCATE)

AND:

1. CANARA BANK,
YELIYURU BRANCH,
EARLIER KNOWN AS SYNDICATE BANK,
MANDYA TALUK,
MANDYA DISTRICT - 571402.
REPRESENTED BY ITS
AUTHORIZED OFFICERS.

2. CANARA BANK,
DIVISIONAL MANAGER,
REGIONAL OFFICE,
MANDYA DISTRICT,
MANDYA - 571402.

...RESPONDENTS

(BY SRI. VIGNESH S. SHETTY, ADVOCATE)

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



CNR: KAHC010121972025

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

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

ORAL ORDER

Sri.Madhukar S., counsel for the petitioner and Sri.Vignesh S.Shetty, counsel for the respondents appeared in person.

2. This petition is filed seeking following reliefs:

- (i) To set aside the impugned notice vide ROMDY/MAR-1/7954/2025/SN dated 05.02.2025 issued by the respondent No.2 herewith produced as Annexure-A insofar as petitioner is concerned.
- (ii) Grant such other relief as this Hon'ble Court thinks deem fit in the interest of justice, equity and good consciousness.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.



CNR: KAHC010121972025

4. The authorized officer of the Bank had issued possession notice under Section 13(4) of SARFAESI Act on 05.02.2025. The petitioners 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 powers under writ jurisdiction. The petition is devoid of merits.



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Accordingly, the writ petition is ***dismissed***. The petitioners may approach the 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.: 24