



CNR: KAHC010129602023

NC: 2026:KHC:42187
WP No. 5487 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 5487 OF 2023 (GM-DRT)

BETWEEN:

MR. B.K.ISMAIL,
S/O. MR. ANDUKUNHI ALIAS
ANDHUNNIBEARY,
AGED ABOUT 76 YEARS,
R/O NO.3-89, BAIRIKATTE HOUSE,
KANYANA VILLAGE,
BANTWAL TALUK,
DAKSHINA KANNADA-574 279.

...PETITIONER

(BY SRI. BHARATH KUMAR V., ADVOCATE - ABSENT)

AND:

THE BRANCH MANAGER AND
AUTHORIZED OFFICER,
UNION BANK OF INDIA,
VITTAL BRANCH,
HAVING OFFICE AT
EMPIRE MALL, OPP PRIVATE BUS STAND,
VITTAL, DAKSHINA KANNADA-574 243.

...RESPONDENT

(BY SRI. K.B.MONESH KUMAR, 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 WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Though matter called twice there is no representation on behalf of the petitioner. Hence, the Court proceeds to pass orders on the merits of the case.

Sri.K.B.Monesh Kumar, counsel for the respondent appeared in person.

2. This petition is filed seeking following reliefs:

(a) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction quashing the notice dated 03.02.2023 issued by the respondent vide Annexure-A wherein the latter has intimated the petitioner herein of sale by public e-auction of property bearing Sy.No.212/1B (portion), measuring 1 acre 20 guntas situated at Kanayana Village of Bantwal Taluk, Dakshina Kannada District on 23.02.2023 as far as petitioner is concerned.

(b) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondent herein not to auction the schedule property in furtherance to the notice dated 03.02.2023.



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(c) Grant such other relief that this Hon'ble court may deem fit in the facts and circumstances in the present matter.

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

4. The authorized officer of the Bank has intimated to the petitioner regarding sale of immovable secured assets under Rule 8 of Security Interest (Enforcement) Rules, 2002. 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 litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*. Hence, this Court declines to exercise discretionary powers under writ jurisdiction. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioner may approach the appropriate forum if so advised and if the law permits.



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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.: 39