



CNR: KAHC010143492024

NC: 2026:KHC:39428
WP No. 7024 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 7024 OF 2024 (GM-DRT)

BETWEEN:

SRI. SANDEEP SRINIVAS
S/O LATE M SRINIVAS,
AGED ABOUT 42 YEARS,
PRESENTLY RESIDING AT
NO.247, NEW NO.86,
ALIGNMENT GRANDEUR,
GROUND FLOOR, 2ND MAIN ROAD,
JAYANAGAR 2ND BLOCK,
OPPOSITE TO NATIONAL COLLEGE,
BENGALURU-560 082.

...PETITIONER

(BY SRI. R.HEMANTH RAJ, ADVOCATE)

AND:

1. SARASWAT CO-OPERATIVE BANK LTD
(SCHEDULE BANK),
ZONE-IX-KARNATAKA,
1ST FLOOR, SOGO PROPERTIES,
100 FEET ROAD, 4TH BLOCK,
KORAMANGALA, BENGALURU-560034
REP BY AUTHORIZED OFFICER/
BRANCH MANAGER.
2. SMT. SHURTHI SANDEEP
NO.247, NEW NO.86,
PRESENTLY ALIGNMENT GRANDEUR,
GROUND FLOOR, 2ND MAIN ROAD,
JAYANAGAR 2ND BLOCK,



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OPPOSITE TO NATIONAL COLLEGE,
BENGALURU-560082.

...RESPONDENTS

(BY SMT. PREETHU R., ADVOCATE FOR
SRI. VIGNESH SHETTY, ADVOCATE C/R;
VIDE COURT ORDER DATED 31.07.2025,
NOTICE TO R2 DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 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.R.Hemanth Raj, counsel for the petitioner,
Smt.Preethu R., counsel on behalf of Sri.Vignesh Shetty, for
caveator / respondent No.1 appeared in person.

Counsel for the petitioner submits that I.A.1/2025 may
be dismissed as not pressed.

Taking note of the said submission, I.A.1/2025 is
dismissed as not pressed.

2. This petition is filed seeking following reliefs:

- (a) To quash the possession notice (Intimation of
Physical possession of schedule property) dated
28.02.2024 and its No. Ref:SCB / Zone-IX/ REC /



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2023-24/ 340 issued by the respondent No.1 Bank to the petitioner produced vide Annexure-A in the writ petition.

- (b) To pass any other writ or order as this Hon'ble Court deems fit 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 28.02.2024. 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 Tribunal has been established specifically to adjudicate the *lis*.



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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 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. Accordingly, the writ petition is ***dismissed***. The petitioner may



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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.: 21