



CNR: KAHC010164172024

NC: 2026:KHC:39025
WP No. 7984 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 7984 OF 2024 (GM-DRT)

BETWEEN:

MR. AZEEZ KHAN,
S/O GUDIBAN KHAN,
AGED ABOUT 59 YEARS,
RESIDING AT NO.26, 1ST CROSS,
RAHMATH NAGAR, R.T. NAGAR,
BANGALORE - 560 032

...PETITIONER

(BY SRI. V. RAVI PRAKASH, ADVOCATE (ABSENT))

AND:

THE AUTHORIZED OFFICER
(MANAGER) THE CITIZEN
CO-OPERATIVE BANK LIMITED,
NO.651/A, 'D' BLOCK,
2ND STAGE, 1ST MAIN,
DR. RAJKUKMAR ROAD,
RAJAJINAGAR,
BANGALORE - 560 010

...RESPONDENT

(BY SMT. MOUNIKA M., ADVOCATE FOR
SRI. LOKESH K.V., ADVOCATE FOR C/R1)

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



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THIS WRIT PETITION IS LISTED FOR HEARING -
INTERLOCUTORY APPLN, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Though matter called twice, there is no representation on
behalf of the petitioner.

Smt.Mounika M., counsel on behalf of Sri.Lokesh K.V., for
respondent No.1 appeared in person.

2. This petition is filed seeking following reliefs:

- (i) Issue a writ in the nature of certiorari quashing
the impugned order dated 06.03.2024 passed
in Cri.Misc.No.6325/2022 on the file of the 32nd
A.C.M.M., Bangalore, vide Annexure-J to this
writ petition and consequently direct the
respondent Bank from dispossessing the
petitioner from the schedule property
considering the facts and circumstances of the
case to meet the ends of justice.
- (ii) Pass any appropriate order or orders as this
Hon'ble Court deems it proper to meet the
ends of justice.

3. Suffice it to note that the Bank had filed petition
under Section 14 of the SARFAESI Act in



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Crl.Misc.No.6325/2022 and the Court vide order dated:06.03.2024 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as the 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.

Moreover, the Apex Court has also observed in the case of **UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI



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Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the Banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with great caution, care and circumspection. Hence, I decline to exercise discretionary power under writ jurisdiction.

4. Accordingly, the writ petition is ***dismissed***.

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.: 13