



CNR: KAHC010176322025

NC: 2026:KHC:39026
WP No. 7749 of 2025

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. 7749 OF 2025 (GM-DRT)

BETWEEN:

SRI. N. G. CHANDREGOWDA
S/O LATE GUNDEGOWDA,
AGED ABOUT 68 YEARS,
NO. 23, 2ND CROSS,
THUNGA ROAD, RAGHAVENDRA
NAGAR, VTC SIDDHARTH NAGAR,
MYSURU - 570 011.
(SENIOR CITIZEN BENEFIT
NOT CLAIMED)

...PETITIONER

(BY SRI. VINAYAK KULKARNI, ADVOCATE)

AND:

1. RECOVERY OFFICER-1
DEBT RECOVERY TRIBUNAL II,
KARNATAKA, AT BENGALURU
NO. 4, RESIDENCY ROAD,
LIC JEEVAN MANAGAL BUILDING,
HAYES RAOD, BENGALURU-560025.
2. THE MANAGER,
KOTAK MAHINDRA BANK
LIMITED, 1ST FLOOR, CEEBROS
CENTRE, NO.39, MONITETH
ROAD, EGMORE, CHENNAI-600048.
3. THE MANAGER
STATE BANK OF INDIA,

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



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SIB DIVISION, NO. 22,
J.C. ROAC, BENGALURU-560002.

4. M/S KAMADHENU LEATHER FASHIONS
PRIVATE LIMITED, HAVING ITS
REGISTERED OFFICE AT NO. 554,
10TH CROSS, 14TH MAIN,
PADMANABHANAGAR,
BENGALURU - 560 070,
COMPANY UNDER LIQUIDATION,
NOW REPRESENTED BY ITS OFFICIAL
LIQUIDATOR, HIGH COURT OF
KARNATAKA, BENGALURU - 560002.
5. SRI. M.R. HARISH
S/O LATE SRI. M.A. RAMASWAMY,
MAJOR DIRECTOR, M/S KAMADHENU
LEATHER FASHIONS PRIVATE LIMITED,
NO. 554, 10TH CROSS, 14TH MAIN,
PADMANABHANAGAR, BENGALURU-560070
6. SRI. G. ANANDHAN,
S/O LATE M. GOVINDARAJU,
MAJOR, DIRECTOR,
M/S KAMADHENU LEATHER
FASHIONS PRIVATE LIMITED,
NO.344, MANIKA PANDITER
STREET, NEW TON, VANIYAMBADI,
N.A. DISTRICT. TAMIL NADU - 635751.
7. SMT. SAROJA HARISH
W/O M.R. HARISH,
MAJOR, DIRECTOR,
M/S KAMADHENU LEATHER
FASHIONS PRIVATE LIMITED,
NO.554, 10TH CROSS, 14TH MAIN,
PADMANABHANAGAR, BENGALURU-560070



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8. INSPECTOR OF POLICE,
BANASHANKARI POLICE STATION,
BENGALURU CITY POLICE,
BANASHANKARI, BENGALURU.

...RESPONDENTS

(BY SRI. V.J. ACHALANAND, ADVOCATE FOR R2
SRI. T.P. MUTHANNA, ADVOCATE FOR R3
SRI. RAJA KUMAR .M., AGA FOR R8)

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

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

ORAL ORDER

Sri.Vinayak Kulkarni., counsel for the petitioner appeared
through video conferencing and Sri.V.J.Achalanand, counsel for
respondent No.2, Sri.T.P.Muthanna, counsel for respondent
No.3 and Sri.Rajakumar M., Additional Government Advocate
for respondent No.8 appeared in person.

2. This petition is filed seeking following reliefs:
- (a) Call for records; consequently,
 - (b) Issue a writ of certiorari or any other writ, order
or direction thereby quashing and / or setting



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aside the impugned legal notice issued by the respondent bank dated 01.03.2025 in connection with the TRC No.1335/2017 in O.A.No.907 / 1996 (Annexure-A) insofar as it applies to the petitioner;

- (c) To issue a writ of mandamus directing respondent No.2 Bank to consider the representation filed by the petitioner vide Annexure-S dated 29.04.2024 and pass appropriate orders thereon in the interest of justice.
- (d) To grant liberty to the petitioner to approach the learned civil Court in the mortgage suit to decide upon disputed facts about the satisfaction of decree by disposing off other suit schedule properties mortgaged in the matter other than schedule property in the possession of the petitioner herein in mortgage suit.
- (e) To grant such other relief/s as this Hon'ble Court may deem fit to grant in the circumstances of the case in the interest of justice.

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



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4. Suffice it to note that the State Bank of India initiated proceedings against the borrower M/s Kamadhenu Leather Fashions Pvt. Ltd. in O.A.No.907/1996 and the same came to be allowed vide order dated 31.10.2001.

It is pivotal to note that in the said proceedings there were two items of the properties. The State Bank of India assigned the asset to the Kotak Mahindra Bank. Pursuant to the assignment, Kotak Mahindra Bank initiated measures for the recovery of the amount in due.

It is noted that Item No.1 was sold by auction sale by DRT, Chennai for a sum of Rs.21,00,000/-. However, the amount in due was not satisfied. Therefore, the Kotak Mahindra Bank has now initiated the measures to sell Item No.2 to recover the amount in due from the borrower.

The petitioner contends that his father purchased item No.2 of the property during the pendency of this proceedings in 2006. Hence, it is contented on behalf of the petitioner that the petitioner's father being a purchaser of Item No.2 and is not a borrower, the bank cannot proceed as against the petitioner.



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It is pivotal to note that the petitioner had approached this Court on an earlier occasion in Writ Petition No.14159 of 2024 challenging the action of the Recovery Officer. The final order passed by the Court is furnished along with the writ petition and the same is marked as Annexure-W. It is evident from the said Annexure that this Court vide order dated 20.06.2024 disposed of the writ petition holding that there is an alternate remedy. Hence, the writ petition was disposed of. It is noted that pursuant to the disposal of the writ petition, the petitioner has filed an appeal before the DRT and the same is pending in Appeal No.1733 of 2024.

As things stood thus, pursuant to the physical possession notice, the Advocate Court Commissioner has issued a legal notice intimating the borrower and the petitioner to hand over the peaceful vacant possession of the schedule property within 7 days.

The petitioner's grievance pertains to the legal notice issued by the Court Commissioner. It is well settled that any person aggrieved by the measures taken by the Bank has an efficacious statutory remedy before the jurisdictional Tribunal.



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The Tribunal has been specifically constituted to adjudicate disputes arising between the Bank and persons aggrieved by such measures. In the present case, the petitioner has already approached the Tribunal. Therefore, it is open to the petitioner to raise all his grievances before the Tribunal, if so advised. In view of the availability of an effective alternative remedy, this Court declines to exercise its discretionary jurisdiction under Article 226 of the Constitution to interfere with or quash the impugned legal notice. Accordingly, the writ petition is devoid of merit and is, therefore, ***dismissed***.

Because of the dismissal of the writ petition all pending I.As stand disposed of and interim order, if any, stands discharged.

**Sd/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 15