



CNR: KAHC010234682025

NC: 2026:KHC:44577
WP No. 10800 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 10800 OF 2025 (GM-DRT)

BETWEEN:

1. MR. MAHADEVA C.M.
S/O. MR. MADAIHAH,
AGED ABOUT 38 YEARS.
PAN NO. BGCPM6959D
2. MRS. MANJULA G.,
W/O MR. MAHADEVA C.M.,
AGED ABOUT 38 YEARS.

BOTH ARE RESIDING AT:
#189, CHANNAPILLEKOPPALU,
SUJJALUR, MALAVALLI,
MANDYA - 571 424

...PETITIONERS

(BY SMT. KAVITHA D., ADVOCATE)

AND:

M/S. NAVI FINSERV LTD.,
(REGISTERED UNDER THE
COMPANIES ACT, 2013)
REGISTERED OFFICE: 2ND FLOOR,
VAISHNAVI TECH SQUARE,
IBALLUR VILLAGE, BELLANDUR,
BEGUR HOBLI, BENGALURU - 560 03
REPRESENTED BY ITS AUTHORIZED OFFICER

...RESPONDENT

(BY SRI. VEDANTH ANAND CHUGH, ADVOCATE)



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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

Smt. Kavitha D., counsel for the petitioners, and Sri. Vedanth Anand Chugh, counsel for the respondent, appeared in person.

2. This petition is filed seeking the following reliefs:
 - (i) Issue a writ of certiorari by setting aside the possession notice dated 31.08.2023 vide Annexure-F Final Order dated 27.03.2025 vide Annexure-M issued by the respondent company to the petitioners and stating that the entire recovery proceedings initiated by the respondent company against the schedule property are illegal and in violation of the SARFAESI Act, 2002.
 - (ii) Issue writ of mandamus to the respondent company, not to take any further action against the schedule property and to accept the petitioner representation dated 26.06.2024



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vide Annexure-L and thereby enable the petitioners to regularize their loan account.

- (iii) Grant such other orders or direction/s as may be deemed fit to grant, including cost of the case, in the view of facts and circumstances of this above case in the interest of justice and equity.

3. Counsel for the respective parties urged several contentions.

Sri. Vedanth Anand Chugh, counsel for the respondent, submits that a memo has been filed furnishing additional documents, to contend that the petitioners had submitted several representations regarding OTS, and the respondent rejected the same. Hence, considering the representation dated 26.06.2024 does not arise. He argued that quashing of possession notice does not arise since the respondent has re-delivered the possession to the petitioners. Counsel, therefore, submits that the writ petition may be dismissed.

4. The arguments were heard, and the papers were carefully perused. The additional documents were perused with utmost care.



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5. It is evident from the documents that the petitioners had made the representations, and the same were rejected by the respondent. Hence, directing the respondent to consider the representation dated:26.06.2024 may not arise for consideration.

6. As far as prayer (a) is concerned, the petitioners are seeking to quash the possession notice. However, taking note of the fact that the respondent has re-delivered possession to the petitioners, quashing of the possession notice does not arise for consideration.

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

Because of the dismissal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

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

SS
List No.: 1 Sl No.: 15