



CNR: KAHC010235752024

NC: 2026:KHC:39781
WP No. 11351 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 11351 OF 2024 (GM-DRT)

BETWEEN:

MR. MOHAMMED ASIF,
AGED ABOUT 53 YEARS,
S/O. P.UMER,
NO.TF 2, MIDAS HAVEN APARTMENTS,
NEAR BSR SPLENDER PARK APTS,
NISARGA COLONY, KALYANA NAGAR,
BENGALURU-560043.

...PETITIONER

(BY SRI. HASANASAB S. MAGADI, ADVOCATE FOR
SRI. NAVEED AHMED, ADVOCATE)

AND:

AXIS BANK LIMITED,
REPRESENTED BY ITS
AUTHORISED OFFICER,
NO.41, SESHADRI ROAD,
ANANDA RAO CIRCLE,
BENGALURU,
KARNATAKA-560009.

...RESPONDENT

(BY SMT. SREEDEVI K.B., ADVOCATE FOR
SRI. JAI M. PATIL, ADVOCATE)

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



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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

Sri.Hasan S.Magadi counsel on behalf of Sri.Naveed Ahmed, for the petitioner and Smt.Sreedevi K.B., counsel on behalf of Sri.Jai M.Patil, for the respondent appeared in person.

2. This petition is filed seeking following reliefs:
 - (a) Issue writ in the nature of certiorari quashing impugned notice dated 06.04.2024 issued by respondent Bank under Rule 8(1) of the Security interest (Enforcement) Rules, 2022 at Annexure-A.
 - (b) Issue writ in the nature of mandamus directing the respondent bank to extend the one-time settlement scheme to the petitioners.
 - (c) Pass such other orders or further orders as this Hon'ble Court deems under the facts and circumstances of the case.



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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 06.04.2024. 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*.

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



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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 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. The petition is devoid of merits. Accordingly,



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the writ petition is ***dismissed***. The petitioner may approach 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.: 23