



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 13067 OF 2024 (GM-DRT)**

**BETWEEN:**

SURESH P.,  
S/O. PAPEGOWDA,  
AGED 49 YEARS,  
NO.7536, 4TH STAGE, 2ND PHASE,  
NEAR PAMPA SAROVARA PARK,  
VIJAYANAGAR, MYSORE-570017.

...PETITIONER

(BY SRI. K.M.SHIVAYOGISWAMY, ADVOCATE)

**AND:**

1. UNION BANK OF INDIA,  
NO.34, KESHAHA COMPLEX,  
1ST STAGE, NRUPATHUNGA ROAD,  
KUVEMPUNAGAR, MYSORE-570023.  
(REP. BY ITS AUTHROIZED OFFICE  
AND CHIEF MANAGER)

2. RAVISHANKAR P.,  
S/O. GANGADHARA RAO,  
AGED MAJOR,  
NO.5208, 8TH MAIN,  
1ST BLOCK, 3RD STAGE,  
DATTAGALLI, MYSORE-570023.

...RESPONDENTS

(BY SRI. SATYANARAYANA, ADVOCATE FOR C/R1;  
SRI. K.S.BHEEMAIAH, ADVOCATE FOR R2)



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**

Sri.K.M.Shivayogiswamy, counsel for the petitioner and Sri.Satyanarayana, counsel for caveator respondent No.1 and Sri.K.S.Bheemaiah, counsel for respondent No.2 appeared in person.

2. This petition is filed seeking following reliefs:
  - (a) Issue Writ of Certiorari or directions in the nature of Certiorari to quash the impugned possession notice dated 19.04.2024 issued by the 1st respondent-bank, in so far as it pertains to Property No.3 and property No.4 vide Annexure 'G', in so far as the petitioner is concerned.
  - (b) Issue Writ of Mandamus or directions in the nature of Mandamus directing the 1st respondent-Bank not to initiate any proceedings for taking possession of the properties in question i.e., property No.3 and property No.4



mentioned in the impugned notice dated 19.4.2024, vide Annexure 'G'.

- (c) Issue such other writ or orders as deemed fit in the circumstances of the case in the interest of justice and equity.

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

4. The petitioner's grievance is about the issuance of the possession notice. The relief sought by the petitioner cannot be granted under writ jurisdiction. The Apex Court has settled the law in a catena of decisions that a demand/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 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. The petition is devoid of merits. 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.: 19