



CNR: KAHC010302392022

NC: 2026:KHC:43790
WP No. 13627 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 13627 OF 2022 (GM-DRT)

BETWEEN:

NARASAMMA,
W/O. G.PUTTALAKKAIAH,
AGED ABOUT 65 YEARS,
SRIRANGA NILAYA,
NO.1040, 29TH CROSS ROAD,
MALLIGE ROAD,
SIT EXTENSION, VTC,
TUMAKURU DISTRICT-572103.

...PETITIONER

(BY SRI. V.B.RAVISHANKAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU-572101.
2. THE AUTHORIZED OFFICER,
STATE BANK OF INDIA,
REGIONAL BUSINESS OFFICE-3, AO-3,
TUMAKURU-572101.
REPRESENTED BY ITS CHIEF MANAGER
G.R.SIDDALINGESHWARA.
3. SRI. P.B.RAJU,
W/O. G.PUTTALAKKAIAH,
AGED ABOUT 40 YEARS,
M/S. KUSHAL WINES,

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



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NO.480/480, LINGAMMANAPALYA,
K.G. GUDI, GUBBI-572216.

...RESPONDENTS

(BY SRI. B.J.ESWARAPPA, AGA FOR R1;
SRI. NANDISH PATIL, 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.V.B.Ravishankar, counsel for the petitioner,
Sri.B.J.Eswarappa, Additional Government Advocate for
respondent No.1 and Sri.Nandish Patil, counsel for respondent
No.2. appeared in person.

2. This petition is filed seeking following reliefs:

(a) Issue a writ, order or direction quashing the order
dated 06.06.2022 passed by the 1st respondent in
Misc. Petition No.MSC (R-7) CR/10/2021-22 vide
Annexure-A and quash the proceedings initiated all
the proceedings initiated by the 2nd respondent as
the same is initiated without following the
mandatory provisions contemplated under the
SARFAESI Act.



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(b) Issue any other appropriate writ, or order, or direction that this Hon'ble Court deems fit to grant, in the facts and circumstances of the case, in the interest of justice and equity.

(c) For award of the costs of these proceedings and grant such other order or directions as this Hon'ble Court deems fit under the circumstances of the case including costs.

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

4. Suffice it to note that the first respondent exercising power under Section 14(1) of the SARFAESI Act has passed the order on 06.06.2022. Any order passed under Section 14 of the SARFAESI Act, 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



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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 power under writ jurisdiction. The petitioner may approach the appropriate forum if so advised and if the law permits.

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



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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.: 22