



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 713 OF 2025 (GM-RES)

BETWEEN:

1. SMT. SUDHA S
W/O. THIMME GOWDA
AGE ABOUT 43 YEARS
OCCUPATION: SELF-EMPLOYED
RESIDING AT NO.814
4TH MAIN, BEHIND AANJANEYA TEMPLE
GANGONDANA HALLI
BENGALURU - 560 039

...APPELLANT

(BY SRI K. MURTHY, ADVOCATE)

AND:

1. THE BANGALORE CITY CO-OPERATIVE BANK LTD
NO.3, 1ST FLOOR
PAMPAMAHAKAVI ROAD
CHAMARAJPET
BENGALURU - 560 018
HAVING A BRANCH AT NO.7E
14TH MAIN ROAD, VIJAYANAGAR
BANGALORE - 560 040
REPRESENTED BY ITS
BRANCH MANAGER

Digitally
signed by
AMBIKA H B

Location:
High Court
of Karnataka



2. THE AUTHORISED OFFICER
(UNDER THE SERFAESI ACT, 2002)
THE BANGALORE CITY
CO-OPERATIVE BANK LTD.
NO.3 1ST FLOOR, PAMPAMAHAKAVI ROAD
CHAMARAJPET
BENGALURU - 560 018
REPRESENTED BY
SRI APPAJAIH C.N.
S/O. NARASE GOWDA
AGE ABOUT 52 YEARS
3. SRI C. HARIKRISHNA A,
ADVOCATE, ROLL NO.KAR/629/2005
R/AT NO.524, 1ST A CROSS
BHUVANESHWARI NAGAR,
R.T. NAGAR POST
BENGALURU - 560 032
BEING THE ADVOCATE COMMISSIONER
APPOINTED AS PER ORDER
DATED 09-07-2024
PASSED BY THE HON'BLE COURT OF
THE 46TH A.C.M.M. BENGALURU
IN C.MISC.NO.5727/2023

...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL, SETTING ASIDE THE IMPUGNED ORDER, DATED 25/03/2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.18683/2024 (GM-RES) GOT FILED BY THE APPELLANT IN THE HIGH COURT OF KARNATAKA, BENGALURU AND CONSEQUENTLY, ALLOW THE WRIT PETITION THEREOF.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 25.03.2025 passed by the learned Single Judge in Writ Petition No.18683/2024 (GM-RES).
2. A plain reading of the said order indicates that the learned counsel for the petitioner had, after advancing arguments, sought leave of the court to approach the Debt Recovery Tribunal. In view of the above, the learned Single Judge directed that it was open for the petitioner to avail of such remedy as was available in law.
3. The appellant had filed the said petition impugning an order dated 09.07.2024 passed by the learned ACMM, Bengaluru in C.Misc.No.5727/2023. The averments made in the writ petition are to the effect that the petitioner had availed term loans to the extent of ₹2,43,00,000/- (Rupees two crores and forty three lakhs) from respondent No.1 (**Bank**).



4. The appellant had defaulted on its repayment and obligations. Consequently, the Bank had classified the appellant's account as a Non-Performing Asset [**NPA**]. Thereafter, the Bank had issued a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**SARFAESI Act**] in respect of the secured assets. The same was followed by a notice issued under Section 13(4) of the SARFAESI Act. Thereafter, on 27.03.2023, the Bank filed an application before the ACMM, Bengaluru, under Section 14 of the SARFAESI Act (Civil Misc. No. 5727/2023) for taking possession of the secured assets to enforce its security interest.

5. It is stated that the physical possession of the secured assets was taken over. However, the same was challenged by the appellant in Writ Petition No.25222/2023 c/w Writ Petition No.26973/2023. It is averred in the writ petition that pursuant to the interim order passed in the said writ petitions, the possession of the secured assets was restored. Thereafter, the petitioner approached the Debt Recovery Tribunal, Bengaluru [**DRT**] by filing a securitisation application, being S.A No.72/2024. And, withdrew the writ petitions filed before this court.



6. The learned DRT passed an order dated 09.07.2024 directing that the *status quo* as to the secured assets be maintained, subject to the appellant depositing 25% of the amounts due in two instalments within a period of eight weeks. However, the appellant did not comply with the said condition.

7. Thereafter, the Bank approached the learned ACMM and obtained orders under Section 14 of the SARFAESI Act for the taking over of the secured assets.

8. The appellant filed another petition – the Writ Petition No.18683/2024 (GM-RES) – impugning the orders passed by the ACMM, which was disposed of as withdrawn by the impugned order.

9. The learned counsel appearing for the appellant submits that the impugned order is erroneous inasmuch as the appellant had not sought withdrawal of the writ petition. He submits that he advanced arguments on the interim application and, after further argument, accepted that he was required to approach the DRT for interim relief. He submitted that the learned Single Judge has



passed the order without considering the questions raised in the writ petition.

10. The learned counsel submits that the writ petition against an order passed under Section 14 of the SARFAESI Act would be maintainable because there is no appropriate remedy in respect of the order under Section 14 of the SARFAESI Act. He submits that the power of the learned DRT under Section 17 of the SARFAESI Act is confined only to investigation and not to the orders passed for the enforcement of a security interest. He submits that the SARFAESI Act is a special Act and therefore, the orders passed under the said Act would be subject to the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. He also submits that no order under Section 14 of the SARFAESI Act for taking over possession of the secured assets could be passed as the asset involved is occupied by various tenants.

11. We have heard the learned counsel appearing for the appellant.

12. We find no merit in the contentions advanced by him.



13. A plain reading of Section 17 of the SARFAESI Act clearly indicates that any person aggrieved by the measures referred to in Section 13(4) of the SARFAESI Act may make an application to the Debts Recovery Tribunal. The orders passed under Section 14 of the SARFAESI Act are in furtherance of the orders passed under Section 13(4) of the SARFAESI Act. The contention that the power of the DRT under Section 17(2) and Section 17(3) of the SARFAESI Act is limited to investigation is plainly erroneous.

14. There is no cavil that this Court has supervisory power under Article 227 of the Constitution of India. In appropriate cases, it may be necessary for the court to exercise such powers. However, it is not necessary for the court to exercise jurisdiction in cases where alternative remedies are available.

15. We find no infirmity with the order of the learned Single Judge declining to entertain the petition in respect of the matters which are squarely covered by the provisions of the SARFAESI Act. As noted above, in this case, the petitioner has already approached the DRT and the learned counsel submits that the proceedings before the DRT are pending.



16. In view of the above, the appeal is dismissed.
17. The pending interlocutory application is also disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

AHB
List No.: 2 Sl No.: 11