



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF MAY, 2026

BEFORE

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

WRIT PETITION NO. 15653 OF 2026 (GM-DRT)

BETWEEN:

1. SRI A RAVINDRA BHANDARY
S/O LATE VENKATAPPA BHANDARY
AGED ABOUT 63 YEARS
2. SMT USHA
W/O RAVINDRA BHANDARY
AGED ABOUT 61 YEARS
3. SRI VIJENDRA
S/O SRI A RAVINDRA BHANDARY
AGED ABOUT 35 YEARS

ALL ARE R/AT 6-205/2B SHIVA KRIPA
SUBHASCHANDRANAGARA
KULAI P O
MANGALURU 575019
MOBILE NO.9113842117/ 8217384062

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA

...PETITIONERS

(BY SRI. RAGHAVENDRA DESAI RAMRAO, ADVOCATE)

AND:

1. THE AUTHORISED OFFICER OF BANTWAL (10137)
BRANCH OF CANARA BANK
CANARA BANK
BANTWAL- II BRANCH MAIN ROAD
DAMODAR COMPLEX
BANTWAL 574211



DAKSHINA KANNADA DISTRICT
PH: 8255-2333492/ 9449865175
EMAIL: CB10137@CANARABANK.COM

2. THE BRANCH MANAGER
CANARA BANK
KOTTARA CHOWKI BRANCH
CANARA TOWER
NH 17, KOTTARA CHOWKI
ASHOKNAGAR POST
MANGALURU 575 006
PH:0824-2454627/ 9483512928
3. THE MANAGER CANARA BANK
REGIONAL OFFICE PUTTUR
SAI INTERNATIONAL BUILDING
NELLIKATTE ROAD, PUTTUR - 574201
DAKSHINA KANNADA, KARNATAKA
PH:8251-238314/ 9449865171
EMAIL:ROPTRREC@CANARABANK.COM
4. THE PRESIDING OFFICER
DEBTS RECOVERY TRIBUNAL-1 (DRT-1)
4TH FLOOR, TELEPHONE HOUSE
RAJ BHAVAN ROAD
BENGALURU 560001

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED E-AUCTION SALE NOTICE DTD. 29.04.2026 ISSUED BY R-1 (ANNX-J), STRICTLY IN SO FAR AS IT RELATES TO THE SCHEDULE PROPERTY OF THE PETITIONERS, QUASH THE IMPUGNED ORDER DTD. 26.03.2026 PASSED BY R-3 (DRT-1) IN S.A. NO. 43/2026 (ANNX-H) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA



ORAL ORDER

1. The present petition is filed seeking for the following reliefs:

"a) ISSUE a Writ of Certiorari quashing the impugned E-Auction Sale Notice dated 29.04.2026 (Annexure-J) issued by Respondent No.1, strictly in so far as it relates to the Schedule Property of the Petitioners;

b) ISSUE a Writ of Certiorari quashing the impugned Order dated 26.03.2026 passed by Respondent No.3 (DRT-1) in S.A.No.43/2026 (Annexure-H);

c) ISSUE a Writ of Mandamus directing the Respondent Bank to immediately de-link the uncollateralized MSME Loan from the active Housing Loan A/c No.0602619003622;

d) Pass such other orders as this Hon'ble Court may deem fit in the facts and circumstances of the case, to meet the ends of justice."

2. It is forthcoming that the petitioner being aggrieved by the possession notice dated 07.01.2026, had filed S.A.No.43/2026 before the Debts Recovery Tribunal-I, Karnataka, Bengaluru, [DRT], which was pending consideration. It is further pertinent to note that by an order dated 21.01.2026 passed on IA No.132/2026 in S.A.No.43/2026, the DRT had granted stay of the



operation of the possession notice dated 07.01.2026, subject to the condition that the petitioner pays a sum of ₹6,74,118/-, which amount was required to be paid in two installments on or before 21.03.2026. Admittedly, the petitioner has not paid the said amounts. The said order dated 21.01.2026 specifically states that in the event, the petitioners fail to pay the amount, the interim order would automatically stand vacated.

3. In view of the petitioner not having paid the amount in terms of the order dated 21.01.2026 passed by the DRT, the sale notice dated 29.04.2026 [Annexure-J] has been issued which is impugned in the present writ petition.

4. Having regard to the fact that an alternative efficacious remedy is available to the petitioner under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, [SARFAESI Act] to impugn the sale notice dated 29.04.2026; and also having regard to the fact that the



petitioners have already filed S.A.No.43/2026 which is pending consideration before the DRT, the question of entertaining the present writ petition does not arise.

5. In view of the aforementioned, the present writ petition is dismissed.

6. Pending applications, if any stand disposed of.

Sd/-
(C.M. POONACHA)
JUDGE

Vmb
List No.: 2 Sl No.: 91