



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17372 OF 2026 (GM-DRT)

BETWEEN:

SRI. MADHUSUDHAN R.,
C/O. RAJU M.,
AGED AROUND 41 YEARS,
PROPRIETOR,
M/S. SHREE MANJUNATHA CAR GARAGE,
R/AT NO.20A, 6TH B CROSS,
AGS LAYOUT, NEAR SHREE
VIDHYAGANAPATHI IDUGAYI TEMPLE,
AREHALLI, BENGALURU-560061.
(LESSEE IN SCHEDULE PROPERTY)

...PETITIONER

(BY SRI. V.MOHAN, ADVOCATE)

AND:

1. M/S. CANARA BANK,
BRANCH OFFICE AT NO.91,
1ST FLOOR, INFANTRY ROAD,
BENGALURU-560025.
REPRESENTED BY AUTHORISED OFFICER,
MR.SANDEEP SINGHVI
(LENDER BANK)
(REGISTERED UNDER
BANKING COMPANIES ACT, 1956)
2. MR. VIJAY SAGAR SHETTY,
S/O. SRI. GANESHA,
R/AT SITE NO.1817,
FLAT NO.201, 2ND FLOOR,
FORTUNA SRINIVASAM,



12TH MAIN, 31ST CROSS, 2ND STAGE,
BANASHANKARI, BENGALURU-560070.
(LESSOR/GUARANTOR OF LOAN)

...RESPONDENTS

(BY SRI. VIGNESH SHETTY, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.V.Mohan, counsel for the petitioner and
Sri.Vignesh Shetty counsel for respondent No.1 appeared
in person.

2. Though the matter is listed today for
preliminary hearing, it is heard.

3. This petition is filed seeking following reliefs:

- (a) To quash the order passed under Section 14 of
SARFAESI Act by the 30th Additional Chief
Judicial Magistrate, Bengaluru, in
Crl.Misc.No.2234/2026 dated 17.03.2026



(Annexure-A) in respect of the schedule properties insofar as petitioner concerned.

- (b) Pass any such orders which this Hon'ble Court deems fit and proper under the facts and circumstances stated above in the interest of justice and equity.

4. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

5. Suffice it to note that the Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.2234/2026 and the Court vide order dated:17.03.2026 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as 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



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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. Hence, I decline to exercise discretionary power.



6. 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.: 10