



CNR: KAHC010469102026

NC: 2026:KHC:37354
WP No. 21234 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 21234 OF 2026 (GM-DRT)

BETWEEN:

MR. BHARATESH KUMAR JAIN,
AGED ABOUT 63 YEARS,
S/O. LATE MAHENDRA KUMAR JAIN,
RESIDING AT NO.15/1-1,
18TH CROSS, NEAR NRITYA APARTMENTS,
MALLESHWARAM, BENGALURU-560055.

...PETITIONER

(BY SRI. NAMAN JHABAKH, ADVOCATE FOR
SRI. MAYA HOLLA, ADVOCATE)

AND:

1. CANARA BANK
ARM BRANCH II,
A BANKING COMPANY
HAVING ITS BRANCH ADDRESS AT
ARMB-II, SPENCER TOWER, 2ND FLOOR,
CIRCLE OFFICE, 86, M.G.ROAD,
BENGALURU-560001.
KARNATAKA.

2. RESERVE BANK OF INDIA,
NRUPATUNGA ROAD,
BENGALURU-560001.
REPRESENTED BY ITS CHIEF MANAGER.

...RESPONDENTS

(BY SRI. VINAY SWAMY C., ADVOCATE)

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



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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.Naman Jhabakh, counsel on behalf of Smt.Maya Holla, for the petitioner and Sri.Vinay Swamy C, counsel for respondent No.1 appeared in person.

2. The writ petition is filed seeking issuance of a writ of mandamus restraining respondent No.1, their servants, agents, or any person claiming through or under them, from proceeding with the proposed e-auction scheduled on 23.07.2026 pursuant to the impugned auction notice dated 15.06.2026, vide Annexure-T.

3. Counsel for the respective parties advanced their submissions. The Court has heard the arguments and perused the records with due care.

4. It is not in dispute that the petitioner's account was classified as a Non-Performing Asset in the year 2023. The



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borrowers had earlier approached this Court to challenge the vacation notice, and their writ petition was dismissed. Thereafter, the authorized officer of the Bank issued a E-auction sale notice for sale of immovable assets under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, for the sale of the secured immovable property. It is a settled proposition of law that any person aggrieved by the measures taken by the Bank must avail themselves of remedies before the Debt Recovery Tribunal. In other words, the proper forum to challenge the e-auction notice is the DRT. The petitioner, instead of approaching the Tribunal, have invoked the writ jurisdiction of this Court.

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



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entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

It has been strenuously urged on behalf of the petitioner that the Bank is proceeding to auction the property at a price much lower than its actual value. The contention is noted. However, mere dissatisfaction with the auction price, absent proof of illegality, does not justify interference under Article 226. The grievance of inadequacy of price cannot constitute a ground for writ intervention. The Hon'ble Supreme Court, in a catena of decisions, has consistently held that adequacy of price is not amenable to judicial review unless fraud or illegality is demonstrated. It has been reiterated that the commercial wisdom of the State or its instrumentalities cannot be interfered with unless shown to be arbitrary, unreasonable, or mala fide.

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



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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 of 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