



CNR: KAHC010469942026

NC: 2026:KHC:38654
WP No. 21198 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 21198 OF 2026 (GM-DRT)

BETWEEN:

MR. UMESH M.T.,
S/O. THAMMAIAH,
AGED ABOUT 58 YEARS,
R/AT KANDANAKOLLY VILLAGE AND POST,
SOMWARPET TALUK,
KODAGU DISTRICT-571237.

...PETITIONER

(BY SRI. HITESH D., ADVOCATE FOR
SRI. YAKSHITH K.A., ADVOCATE)

AND:

1. CANARA BANK,
REPRESENTED BY ITS BRANCH MANAGER,
ASSET RECOVERY MANAGEMENT BRANCH,
CANARA BANK BUILDING, HAMPANKATTA,
MANGALURU-575001.
2. AUTHORISED OFFICER, CANARA BANK,
ASSET RECOVERY MANAGEMENT BRANCH,
CANARA BANK BUILDING, HAMPANKATTA,
MANGALURU-575001.
3. MRS. PREETHU B.R.,
W/O. P.S.MADHUSUDAN,
R/AT NO.331, UPPER GOWDA SAMAJ ROAD,
RAGHAVENDRA TEMPLE, MADIKERI,
KODAGU-571201.



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4. SUB REGISTRAR - MADIKERI,
KOHINOOR ROAD,
BHAGAVATI NAGAR, MADIKERI,
KODAGU DISTRICT-571201.
5. TAHSILDHAR-SOMWARPET,
TALUK OFFICE, SOMWARPET TALUK,
SOMWARPET, KODAGU DISTRICT-571236.

...RESPONDENTS

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.Hitesh D., counsel on behalf of Sri.Yakshith K.A.,
for the petitioner appeared in person.

2. This petition is filed seeking following reliefs:

- (i) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the sale certificate, Doc.No.1 MDK-1-05584-2025-26 dated 23.02.2026 (Annexure-K) issued in favor of respondent No.3 in respect of the schedule property.



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- (ii) Quash the consequential mutation / khata transfer and all connected entries made pursuant to the impugned sale certificate.
- (iii) Declare that the action of the respondent Bank in proceeding with the sale despite the petitioner's medical condition and representation dated 15.12.2025 is illegal, arbitrary and violative of law.
- (iv) Grant an interim order in terms of the prayers above pending final disposal.
- (v) Pass such other order or orders as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.

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

4. The authorized officer of the Bank has issued sale certificate by exercising power conferred under SARFAESI Act 2002, and Section 13 (12) read with (Rule 8 and 9) of the Security Interest (Enforcement) Rules, 2002.



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The measures initiated by the Bank must be questioned before the Tribunal and not before the High Court by filing a writ petition. 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 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. Hence, I decline to exercise discretionary power under writ jurisdiction. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioner may approach appropriate forum if so advised and if the law permits.



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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.: 6