



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 20309 OF 2022 (GM-DRT)

BETWEEN:

1. SRI. H.S.SRINIVAS @ SRINIVAS S.GOWDA,
S/O. LATE SANJEEVAPPA,
AGED ABOUT 66 YEARS,
R/AT NO.15, GAYATHRI H.B.C.S. LAYOUT,
BASAVESHWARA NAGAR,
BENGALURU-560 079.
2. SRI. H.S.PADMARAJU,
S/O. LATE SANJEEVAPPA,
AGED ABOUT 58 YEARS,
R/AT NO.165/A, 11TH CROSS,
GAYATHRI H.B.C.S LAYOUT,
BASAVESHWARA NAGAR,
BENGALURU-560 079.

...PETITIONERS

(BY SRI. RAJESWARA P.N., ADVOCATE)

AND:

1. AUTHORISED OFFICER,
CANARA BANK,
ARM BRANCH-II, 2ND FLOOR,
CIRCLE OFFICE, SPENCERS TOWERS
NO.86, M.G. ROAD,
BENGALURU-560 001.
2. THE MANAGER,
CANARA BANK,
RAJAJINAGAR BRANCH,
BENGALURU-560 010.



3. SMT. CHYTHRA ARUN,
W/O. ARUN KUMAR B.,
AGED ABOUT 37 YEARS
R/AT NO. J-1006, 10TH FLOOR,
'J' BLOCK, BRIGADE GATEWAY,
MALLESHWARAM WEST,
BENGALURU-560 055.
4. SRI. ARUN KUMAR B.,
FATHER NAME NOT
KNOWN TO PETITIONERS,
AGED ABOUT MAJOR,
R/AT NO.J-1006, 10TH FLOOR,
'J' BLOCK, BRIGADE GATEWAY,
MALLESHWARAM WEST,
BENGALURU-560 055.

...RESPONDENTS

(BY SRI. T.P.MUTTANNA, ADVOCATE FOR R1 AND R2;
SRI. SUSHANTH , ADVOCATE FOR
SRI. CHINTAN CHINNAPPA, ADVOCATE FOR R3 AND R4)

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

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

ORAL ORDER

Sri.Rajeswara P.N., counsel for the petitioners,
Sri.T.P.Muttanna, counsel for respondent Nos.1 and 2 and
Sri.Sushanth, counsel on behalf of Sri.Chintan Chinnappa, for
respondent Nos.3 and 4 appeared in person.



2. This petition is filed seeking following reliefs:

- (i) Issue writ of certiorari by revoking or canceling the *possession notice dated 02.09.2022 (Annexure-A) issued by the respondent No.1 on behalf of respondent No.2.*
- (ii) *Issue a writ or order or direction holding that the respondents 1 and 2 have no jurisdiction to initiate any proceedings under the SARFAESI Act, 2002 in respect of the schedule property.*
- (iii) *Pass others as this Hon'ble court deems fit, including the award of cost/s, in the interest of justice and equity.*

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

4. Suffice it to note that the authorized officer of the Bank had issued notice under Section 13(4) of the SARFAESI Act, 2002 on 02.09.2022. The petitioners grievance is about the issuance of the possession notice. The relief sought by the petitioners cannot be granted under writ jurisdiction. The Apex Court has settled the law in a catena of decisions that a demand/ possession notice cannot be challenged by filing a writ



petition. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.

5. 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.

The Hon'ble Apex Court in the case of **UNION BANK OF INDIA VS. SATYAVATI TANDON AND OTHERS** reported in Civil Appeal No. arising out of SLP No.10145/2010 has observed as under:

27. *It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the*



right of 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 greater caution, care and circumspection.

The Apex Court in Phoenix Case's has held that filing of writ petition before the High Court under Article 226 of Constitution of India is an abuse of process of the Court. It is also observed that whenever a notice is issued under Section 13(4) of the SARFAESI Act, a litigant has statutory efficacious remedy by filing an appeal under the SARFAESI Act, and has cautioned the High Courts not to entertain the writ petitions. Hence, I decline to exercise power under writ jurisdiction. 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.: 32