



CNR: KAHC010482512024

NC: 2026:KHC:47525
WP No. 22586 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 22586 OF 2024 (GM-DRT)

BETWEEN:

M/S. MNC MOTORS,
HAVING ITS OFFICE
AT NO.7/1, MANCHKALKUPPE,
HIREHALLI POST,
TUMAKURU-572104.

ALSO AT
SY NO.100, 2 A3 AND 100/12 MEDANAHALLI,
TOYOTA KIRLOSKAR ROAD, BIDADI,
REPRESENTED BY ITS PROPRIETOR,
MR. M.N.CHANDREGOWDA,
S/O. NARASEGOWDA,
AGED ABOUT 50 YEARS.

...PETITIONER

(BY SRI. JEEVAN KUMAR B.S., ADVOCATE)

AND:

1. DCB BANK LIMITED
RAJAJINAGAR BRANCH,
NO.650/12, BEE EM AVENUE,
2ND STAGE, D BLOCK,
DR RAJKUMAR ROAD,
RAJAJINAGAR, BENGALURU-560010
REPRESENTED BY ITS MANAGER.
2. DCB BANK LIMITED
JAYANAGAR BRANCH,
NO.458-459, 18TH MAIN ROAD,
4TH BLOCK, JAYANAGAR,



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BENGALURU-560041
REPRESENTED BY ITS CHIEF MANAGER.

...RESPONDENTS

(BY SRI. HARIKRISHNA, ADVOCATE FOR
SRI. SURESH V.,ADVOCATE)

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 IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri.B.S.Jeevan Kumar., counsel for the petitioners and
Sri.Harikrishna., counsel on behalf of Sri.Suresh.V., for
respondents 1 and 2 appeared in person.

2. This petition is filed seeking following reliefs:

- (a) *Issue Writ in the nature of Certiorari quashing the order passed in Crl.Misc.No.7941/2023 by the VII Additional Chief Judicial Magistrate, Bengaluru, dated:05.04.2024 produced at Annexure-G in this writ petition.*
- (b) *Issue writ of mandamus, direct the respondent bank to consider the request of the petitioner to*



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honour OTS settlement as per the letter dated:13.05.2024 vide Annexure-F.

- (c) Issue writ of mandamus, direct the bank to release any one property out of which mortgaged to the respondent bank, since two loans out of three loans have been cleared by the petitioner.*
- (d) Pass any such other relief/s as deemed fit by this Hon'ble Court on the facts and circumstances of the case.*

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 respondent Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.7941/2023 and the Court vide order dated:05.04.2024 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*.



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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.

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 power under writ jurisdiction. Accordingly, the writ petition is **dismissed**. The



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petitioners may approach the appropriate forum, if so advised
and if the law permits.

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**

MRP
List No.: 1 Sl No.: 37