



CNR: KAHC010496492026

NC: 2026:KHC:38225
WP No. 22582 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 22582 OF 2026 (GM-DRT)

BETWEEN:

1. MR. M.CHANDY KUNJU,
S/O. LATE MATHAI,
AGED ABOUT 75 YEARS,
2. MRS. MOLLY CHANDY KUNJU,
W/O. M.CHANDY KUNJU,
AGED ABOUT 66 YEARS,
3. MR. ALEX CHANDY,
S/O. M.CHANDY KUNJU.
AGED ABOUT 45 YEARS,

PETITIONER NO.1 TO 3 ARE
R/AT KALUPURAKKAL HOUSE,
8TH CROSS, 3F MAIN,
RAMAIAH LAYOUT,
KAMMANAHALLI,
ST. THOMAS TOWN POST,
BENGALURU-560 084.

...PETITIONERS

(BY SRI. VIJAYA PRAKASH, ADVOCATE FOR
SRI. BHARADWAJ K.R., ADVOCATE)

AND:

1. AXIS FINANCE LTD.,
"AXIS HOUSE" GROUND FLOOR,
PANDURANGA BUDHKAR MARG WORLI,
MUMBAI-400025.
REPRESENTED BY ITS MANAGER/
AUTHORIZED OFFICER.



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2. SMT. KRUPA H.PRAJAPATI,
AGED ABOUT 37 YEARS,
W/O. LATE DR. AKASH KUMAR ROSE,
R/AT NO.1301, ORCHID WOODS APARTMENTS,
HENNUR-BENGALURU ROAD,
BENGALURU-560 077.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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.Vijaya Prakash., counsel on behalf of
Sri.Bharadwaj.K.R., for the petitioners has appeared in person.

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

3. This petition is filed seeking following reliefs:

- (a) Issue a writ of Certiorari or any other
appropriate writ or direction quashing the e-
auction-cum-sale notice dated 22/06/2026 in
No.AFL/CO/2026-27/Legal/June/756 issued by
respondent No.1 under the provisions of
SARFAESI Act, R/w. Rule 8(6) of Security Interest



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(Enforcement) Rules, 2002, as per Annexure-A, so far as petitioners are concerned.

(b) Quash the physical possession Notice dated 29-06-2026 issued by respondent No.1 under Section 13(4) R/w. Sec.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("The SARFAESI Act, 2002) R/w. Rule 8 of the Security Interest (Enforcement) Rules, 2002, as per Annexure-B, in the interest of justice and equity so far as petitioners are concerned.

(c) And grant such other writ / order / direction as this Hon'ble Court deemed fit under the circumstances of the case, in the interest of justice and equity.

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

5. The authorized officer had issued E-auction sale notice on 22.06.2026. Thereafter, the authorized officer issued possession notice on 29.06.2026. The petitioners grievance is about the issuance of the E-auction sale notice and possession notice. Any person/s aggrieved by issuance of notices under



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SARFAESI Act/ Rules are not powerless. They have a liberty of filing objections and also approach DRT under Section 17 of the Act, appealing to the Tribunal if needed. The Apex Court has settled the law in a catena of decisions that a E-auction sale notice and 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*.

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 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



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13(2) and 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 discretionary power under writ jurisdiction. The petition is devoid of merits. 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**

MRP
List No.: 1 Sl No.: 8