



CNR: KAHC010506732026

NC: 2026:KHC:38663
WP No. 22859 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. 22859 OF 2026 (GM-DRT)

BETWEEN:

SMT. RAJAMMAL,
(F/80), DAUGHTER OF
LATE KUMARAPPA CHETTIAR,
WIFE OF ARACHALA CHETTIAR,
NO.5/113, ERAYAMANGALAM
ROAD, ATTAVANAI,
IRAIYAMANGALAM-637210.
TIRUCHENGODE TALUK,
NAMAKKAL DISTRICT-637210.
TAMILNADU. REPRESENTED BY HER
DULY CONSTITUTED POWER AGENT
MR. T. BASKAR (M/44),
SON OF THANGARAJ,
NO.5/159,
ERAYAMANGALAM ROAD,
ERAYAMANGALAM,
ATTAVANAI
IRAIYAMANGALAM-637210.
TIRUCHENGODE TALUK,
NAMAKKAL DISTRICT-637210.
TAMILNADU.

...PETITIONER

(BY SRI. P. KALIMUTHU, ADVOCATE)

AND:

THE AUTHORIZED OFFICER
CANARA BANK,
ASSET RECOVERY MANAGEMENT-1
BRANCH, 2ND FLOOR, NO.86,



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SPENCER TOWER, M.G. ROAD,
BENGALURU - 5600 01.

...RESPONDENT

(BY SRI. VIGNESH SHETTY, 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 ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.P.Kalimuthu, counsel for the petitioner and
Sri.Vignesh Shetty, counsel for the respondent appeared in
person.

2. Though the matter is listed today for orders, it is
heard.

3. This petition is filed seeking following reliefs:

- (a) Quash the E-auction / Sale notice dated
23.06.2026 issued by respondent produced at
Annexure-A as illegal as the same is without
following mandatory provisions.



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- (b) Consequently, to declare that the action initiated by the respondent under the provisions of the SARFAESI Act is null and void.
- (c) Grant such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case.

4. Counsel for the respective parties urged several contentions.

Counsel for the petitioner in presenting his arguments strenuously urged that the petitioner is not a borrower. She is a sister of the borrower and aged about 80 years and she has a one third share in the said property. However, the bank without issuing notice to her has proceeded in the matter and has issued a e-auction sale notice on 23.06.2026. It has been vehemently contented on behalf of the petitioner that the suit for permanent injunction in O.S.No.173 of 2026 is pending and hence, the bank could not have proceeded in the matter. Counsel, therefore, submits that the measures taken by the bank are contrary to the principles of natural justice and hence, the same may be quashed.



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In reply, counsel for the respondent submits that the petitioner is questioning the e-auction sale notice and it is not as if she is remediless. Any person who is aggrieved by the measures taken by the bank can as well agitate their grievance before the Tribunal. Counsel, therefore, submits that the petition is devoid of merits and the same is liable to be dismissed.

5. Heard the arguments and perused the papers with utmost care.

6. The principal ground on which the petitioner seeks quashing of the e-auction sale notice is that she is not the borrower but the sister of the borrower, and that she claims a share in the subject property. Being aggrieved by the measures initiated by the respondent Bank, the petitioner has approached this Court.

It is well settled that an e-auction sale notice issued pursuant to measures taken under the relevant statutory framework cannot ordinarily be challenged in exercise of writ jurisdiction. The Hon'ble Supreme Court has consistently held



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that a person aggrieved by such measures is not without an effective remedy, as the statute provides for redress before the jurisdictional Tribunal. The Tribunal has been specifically constituted to adjudicate disputes arising out of measures adopted by secured creditors. In the present case, the petitioner is at liberty to ventilate her grievances before the jurisdictional Tribunal. In view of the availability of an efficacious alternative statutory remedy, this Court finds no justification to exercise its discretionary jurisdiction under Article 226 of the Constitution.

7. Resultantly, the writ petition is ***dismissed***. The petitioner may approach the appropriate forum if so advised and if the law permits.

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.: 31