



CNR: KAHC010516962026

NC: 2026:KHC:41854
WP No. 23699 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 23699 OF 2026 (GM-DRT)

BETWEEN:

SMT. GOWRAMMA K.S.,
W/O. S.MAHADEVAPPA,
AGED ABOUT 58 YEARS,
R/AT NO.51, 1ST MAIN,
2ND CROSS, GOKULAM,
3RD STAGE, VANI VILAS MOHALLA,
MYSORE-570020.

...PETITIONER

(BY SRI. MOHAN B.K., ADVOCATE)

AND:

1. HDFC BANK LTD.,
RETAIL PORT FOLIO MANAGEMENT
HDFC HOUSE
NO.6, JTK EXTENSION,
ADICHUCHANAGIRI ROAD,
KUVEMPUNAGAR,
MYSORE-570 023.
REPRESENTED BY BRANCH MANAGER

2. MISS. M.RANJANA,
D/O. S.MAHADEVAPPA,
AGED ABOUT 32 YEARS,
NO.51, 1ST MAIN, 2ND CROSS,
GOKULAM 3RD STAGE,
VANI VILAS MOHALLA,
MYSURU-570 002.



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3. MRS. M.RAMYA, (CO-BORROWER)
W/O. ANAND U.,
AGED ABOUT 30 YEARS,
NO.51, 1ST MAIN, 2ND CROSS,
GOKULAM 3RD STAGE,
VANI VILAS MOHALLA,
MYSURU-570 002.
4. M/S. SIDDALINGESHWARA GAS SERVICE,
(CO-BORROWER),
REPRESENTED BY SMT. GOWRAMMA K.S.,
NO.51, 1ST MAIN, 2ND CROSS,
GOKULAM 3RD STAGE,
VANI VILAS MOHALLA,
MYSURU-570 002.
(PROPRIETOR ITSELF IS NATURE)
5. MRS. M.IMPU,
(CO-BORROWER)
C/O. MAHADEVAPPA S.,
AGED ABOUT 29 YEARS,
NO.51, 1ST MAIN, 2ND CROSS,
GOKULAM 3RD STAGE,
VANI VILAS MOHALLA,
MYSURU-570 002.

...RESPONDENTS

(BY SRI. FRANCIS XAVIER, ADVOCATE FOR C/R1)

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, THIS DAY, AN ORDER IS MADE AS UNDER:



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ORAL ORDER

Sri.Mohan.B.K., counsel for the petitioner appeared through video conferencing.

Francis Xavier., counsel for respondent No.1 appeared in person.

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

3. This petition is filed seeking following reliefs:

- (a) Issue Writ of Certiorari or any other appropriate writ and quash the order dated 19.06.2026 passed in Crl.Misc.No.469/2026 passed by the Court of I Additional Senior Civil Judge and CJM, at Mysuru vide Annexure-A.
- (b) Direct the respondent to restore physical possession of the Mortgaged Property to the petitioner.
- (c) Issue such other relief as may deem fit to the facts and circumstances of the case in the interest of justice and equity.

4. Counsel for the petitioner and respondent No.1 urged several contentions. Heard the arguments and perused the papers with care.



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5. Suffice it to note that the first respondent Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.469/2026 and the Court vide order dated:19.06.2026 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*.

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***



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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 petitioner may approach 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.: 9