



CNR: KAHC010528222026

NC: 2026:KHC:43854
WP No. 23901 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 23901 OF 2026 (GM-DRT)

BETWEEN:

1. JAYALAKSHMI,
W/O. PADMANABA REDDY,
AGED 65 YEARS, R/AT NO. 79,
ANNAPOORNESWARI COMPLEX,
NEW THIPPASANDRA MAIN ROAD,
BENGALURU - 560 075.
2. SMT. SHWETHA P.,
W/O. AMARENDRA REDDY,
AGED 41 YEARS,
R/AT NO. 212, MY FAIR VILLA,
THALLAPUR, MEDAK DISTRICT,
TELANGANA - 502 032.

...PETITIONERS

(BY SRI. SREEVATSA S., SENIOR COUNSEL FOR
SRI. B.RAMESH, ADVOCATE)

AND:

1. SRI. GURU RAGHAVENDRA SAHAKARA
BANK NIYAMITA,
NO.15, SUBBRAMA CHETTY ROAD,
NETTAKALLAPA CIRCLE, BASAVANAGUDI,
BENGALURU - 560 004.
REPRESENTED BY ITS AUTHORIZED OFFICER.
2. DEPUTY MANAGER/SENIOR ASSISTANT
SRI. GURU RAGHAVENDRA SAHAKARA
BANK NIYAMITA,
NO.15, SUBBRAMA CHETTY ROAD,

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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NETTAKALLAPA CIRCLE, BASAVANAGUDI,
BENGALURU - 560 004.

...RESPONDENTS

(BY SRI. VIKRAM UNNI RAJAGOPAL, ADVOCATE FOR
R1 AND R2)

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.Sreevatsa.S., Senior counsel on behalf of
Sri.B.Ramesh., for the petitioners and Sri.Vikram Unni
Rajagopal., counsel for the respondents appeared in person.

2. This petition is filed seeking following reliefs:

- (i) To issue a Writ in the nature of Certiorari by quashing the sale notice dated:18.07.2026, bearing No.SJR/PK-2/YL-287/869/2026-2027, issued by 2nd respondent authority, which is produced and marked as Annexure-J.
- (ii) To issue a writ in the nature of certiorari by quashing the E-auction proceedings published in the daily newspaper published on



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21.07.2026, in respect of the schedule property, which is produced and marked as Annexure-H.

- (iii) To pass such other suitable orders as this Hon'ble Court deems fit to be granted in the facts and circumstances of the case.

3. Counsel for the respective parties urged several contentions.

Senior counsel in presenting his arguments submits that the husband of the first petitioner Padmanabha Reddy.B.K had availed loan of Rs.25,00,000/- in loan account No.000176 and the same was closed vide (Annexure-F2). The first petitioner Smt.Jayalakshmi had availed loan of Rs.25,00,000/- in loan account No.000177 and the same was closed vide (Annexure-F3). The husband of the first petitioner Padmanabha Reddy.B.K had availed one more loan in loan account No.0000283 and the same was also closed vide (memo).

Counsel further submits that a memo has been filed and prays that the same be taken on record. Advancing additional grounds, Senior Counsel contends that the measures undertaken by the Bank are unsustainable in law and,



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therefore, seeks grant of the reliefs prayed for in the writ petition.

4. Heard the arguments and perused the papers with care.

5. Suffice it to note that the authorized officer of the Bank had issued Sale Notice under the SARFAESI Act, 2002 and Rules on 18.07.2026. Thereafter, the authorized officer published E-auction sale notice under the SARFAESI Act, 2002 and Rules on 21.07.2026. Any person/s served with SARFAESI Act notices and E-auction sale notice are not powerless. They have a liberty of filing objections and also approach DRT, appealing to the Tribunal if needed. 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 sale notice and E-auction sale 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



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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. The petition is devoid of merits. Accordingly, the writ petition is **dismissed**. The petitioners may approach appropriate forum, if so advised and if the law permits.



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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**

MRP
List No.: 1 Sl No.: 58