



CNR: KAHC010536022026

NC: 2026:KHC:48032
WP No. 24464 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 24464 OF 2026 (GM-DRT)

BETWEEN:

1. MR. PURUSHOTHAMA A.,
S/O. ARASAPPA,
AGED ABOUT 45 YEARS,
NO.E-121/26, 5 MAIN ROAD,
ITTAMADU, BANASHANKARI,
3RD STAGE, BENGALURU-560085.
2. SMT. ASHA RANI,
W/O. PURUSHOTHAMA A.,
NO. E-121/20, 5TH MAIN ROAD,
ITTAMADU, BANASHANKARI,
3RD STAGE, BENGALURU-560085.

...PETITIONERS

(BY SRI. SIDDARAJU M., ADVOCATE)

AND:

1. DEPUTY MANAGER AND AUTHORIZED OFFICER
SREE GURU RAGHAVENDRA SAHAKARA BANK
NIYAMITHA, NO-15, SUBBARAMA CHETTY ROAD,
NETTAKALLAPPA CIRCLE, BASAVANAGUDI,
BENGALURU-560004,
REPRESENTED BY ITS MANAGER,
2. THE ADMINISTRATIVE OFFICER,
SRI GURU RAGHAVENDRA CO-OPERATIVE BANK
LIMITED, NO-15, SUBBARAMA CHETTY ROAD,
NETTAKALLAPPA CIRCLE, BASAVANAGUDI,
BENGALURU-560004,



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3. THE CHIEF EXECUTIVE OFFICER,
SRI GURU RAGHAVENDRA CO-OPERATIVE BANK
LIMITED, NO-15, SUBBARAMA CHETTY ROAD,
NETTAKALLAPPA CIRCLE, BASAVANAGUDI,
BENGALURU-560004,

...RESPONDENTS

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:

ORAL ORDER

Sri.Siddaraju.M., counsel for the petitioners appeared in
person.

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

3. This petition is filed seeking following reliefs:

- (i) Quash the notice dated:01.06.2026 issued by
respondent No.1, vide Annexure-H, to the writ
petition and,
- (ii) Further be directed the respondents/ Bank to
return the entire original documents of the
property to the petitioners, and,



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- (iii) Pass such other relief/s which deems fit on the facts and circumstances 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 of the Bank issued possession notice on 01.06.2026. The petitioners grievance is about the issuance of the possession notice. Any person/s aggrieved by issuance of notices under SARFAESI Act/ Rules are not powerless. They have a liberty of filing objections and also approach DRT, appealing to the Tribunal if needed. The Apex Court has settled the law in a catena of decisions that a 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



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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 discretionary power under writ jurisdiction. 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.: 2 Sl No.: 1