



CNR: KAHC010556682026

NC: 2026:KHC:42772
WP No. 25185 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 25185 OF 2026 (GM-DRT)

BETWEEN:

1. MR. MAHESHWARAPPA A.,
S/O ADIVAPPA,
AGED ABOUT 42 YEARS,
2. MRS. BABY N,
W/O MR. MAHESHWARAPPA,
AGED ABOUT 35 YEARS,

BOTH RESIDENTS OF SITE NO.3,
ASSESSMENT NO.8/3A1,
THOTAGUDDADAHALLI, VILLAGE
DASANPURA HOBLI
BANGALORE - 560 090

...PETITIONERS

Digitally signed by
PREMCHANDRA M R (BY SRI. NAVEED AHMED, ADVOCATE)
Location: HIGH
COURT OF
KARNATAKA

AND:

THE IDBI BANK LIMITED
IDBI HOUSE NO. 58,
II FLOOR MISSION ROAD
BENGALURU - 560 027
REP. BY ITS AUTHORIZED OFFICER.

...RESPONDENT

(BY SRI. T.P. MUTTANNA, ADVOCATE)



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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.Naveed Ahmed, counsel for the petitioners and Sri.T.P.Muttanna, counsel for the respondent appeared in person.

2. This petition is filed seeking following reliefs:
 - (a) Issue a writ of certiorari or any other appropriate writ, order, or direction, quashing the possession notice dated 07.08.2026 issued by respondent in respect of the petitioners residential house schedule property produced at Annexure-A.
 - (b) Issue a writ of mandamus or any other appropriate writ, order, or direction, commanding the respondents to forthwith open the lock of the said premises and permit the petitioners to remove all their personal belongings, household articles, and the school materials of their minor son;



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- (c) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. The authorized officer of the Bank had issued possession notice dated 07.08.2026 under the SARFAESI Act and Rules. 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 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 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



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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 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 powers under writ jurisdiction. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioners 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.: 11