



CNR: KAHC010558292025

NC: 2026:KHC:46142
WP No. 25835 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 25835 OF 2025 (GM-DRT)

BETWEEN:

1. M.MOHAMMED YUSUF,
S/O. M.MOHAMMED ILIYAZ,
AGED ABOUT 63 YEARS,
2. HUMERA YASMEEN,
W/O. M.MOHAMMED ILIYAZ,
AGED ABOUT 53 YEARS,

BOTH ARE R/O. NO.685/1,
8TH CROSS, 2ND MAIN ROAD,
K.G. HALLI, HIDAYATHNAGAR,
ARABIC COLLEGE POST,
BENGALURU-560045.

...PETITIONERS

(BY SMT. VIJAYA M.N., ADVOCATE)

AND:

1. UNION BANK OF INDIA
HRR BRANCH
NO.316, 7TH MAIN, 1ST BLOCK
HRBR LAYOUT, KALYAN NAGAR,
BENGALURU-560043
REPRESENTED BY ITS CHIEF MANAGER/
AUTHORIZED OFFICER
VISHVAJEET KUMAR,
S/O. RAJENDRA PRASAD RAI,
AGED ABOUT 48 YEARS,

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



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2. B.NAGARAJ,
S/O. BASAMMA,
MAJOR,
3. MANJULA,
W/O. B.NAGARAJ,
MAJOR,

BOTH ARE R/O NO.5,
RAMANNA LAYOUT,
1ST MAIN, 1ST CROSS,
DODDA BYRATHI,
KOTHNUR,
BENGALURU-560077.

...RESPONDENTS

(BY SMT. DIVYA PURANDAR, ADVOCATE FOR R1;
SRI. RAJU BHAT, ADVOCATE FOR R2 AND R3)

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

Smt.Vijaya.M.N., counsel for the petitioners; Smt.Divya
Purandar., counsel for respondent No.1 and Sri.Raju Bhat.,
counsel for respondents 2 and 3 appeared in person.

2. This petition is filed seeking following reliefs:



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- (a) Issue Writ in the nature of Certiorari quashing the order dated 11.01.2024 passed by the XI Addl. CMM Bangalore City vide Annexure-P passed in CrI.Misc.No.50822/2023 and sale notice dated:08.08.2025 issued by respondent No.1 vide Annexure-Q, allow the above writ petition.
- (b) Grant such other relief which this Court deems fit under the facts and circumstances of the case in the interest of justice and equity.

3. Counsel for the respective parties urged several contentions.

Counsel for the petitioners, vehemently contended that the petitioners have challenged the order passed under Section 14 as well as the sale notice in the present writ petition. It is further submitted that the petitioners are third party and, therefore, is not obliged to avail the statutory remedy available under the relevant enactment. On these and other grounds urged, counsel seeks that the writ petition be allowed.

Counsel for the petitioners placed reliance on Judgment in RANJAN KUMAR DAS V. PUNJAB NATIONAL BANK PURI AND ANOTHER, AIR 2016 ORISSA 58.



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Per contra, counsel appearing for respondent No.1 submitted that the petitioners cannot invoke the writ jurisdiction of this Court to challenge the order passed under Section 14 and the sale notice, particularly when an efficacious alternative statutory remedy of approaching the Tribunal is available. On the said ground, counsel seeks dismissal of the writ petition.

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

5. The petitioners have challenged the order passed under Section 14 of the SARFAESI Act and the sale notice. Suffice it to note that the respondent Bank had filed petition under Section 14 of the SARFAESI Act in CrI.Misc.No.50822/2023 and the Court vide order dated:11.01.2024 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. As against the issuance of sale notice, there is efficacious alternative statutory remedy of approaching the Tribunal. The litigants are not remediless, as



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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 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



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circumspection. Hence, I decline to exercise power under writ jurisdiction. Accordingly, the writ petition is ***dismissed***. The petitioners may approach the 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.: 2 Sl No.: 15