



CNR: KAHC010569322026

NC: 2026:KHC:51963
WP No. 25877 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 25877 OF 2026 (GM-DRT)

BETWEEN:

1. MR. LOKESH SHETTY
AGED ABOUT 46 YEARS,
S/O. SUNDAR SHETTY,
RESIDING NEAR
DURGAPARAMESHWARI TEMPLE,
MUCHUR, MANGALURU,
DAKSHINA KANNADA 575 001.

...PETITIONER

(BY SRI. DHANANJAY KUMAR.,ADVOCATE)

AND:

1. THE AUTHORIZED OFFICER/
MANAGER CANARA BANK.,
ASSETS RECOVERY AND
MANAGEMENT BRANCH,
CIRCLE OFFICE BUILDING,
MANGALURU,
DAKSHINA KANNADA DISTRICT - 575 001.

...RESPONDENT

(BY SRI. VIGNESH SHETTY.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER
QUASHING THE REPLY/COMMUNICATION DATED 16.11.2024





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ISSUED BY THE RESPONDENT-BANK IN REF. ARM MNG.
F173.700.2024-25 VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

1. The present writ petition is filed seeking for the following
reliefs:

"a) Issue a writ of certiorari or any other appropriate writ, order quashing the reply/communication dated 16.11.2024 issued by the Respondent-Bank in Ref: ARM MNG: F173:700:2024-25 vide Annexure-A.

b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent-Bank to issue sale certificate in favour of the petitioner after accepting balance 75% of the sale consideration with interest at the rate of 6% as per the direction of this Hon'ble Court in WP NO.16273/2023 dated 26.09.2024 vide Annexure-H.

c) Grant such other relief or reliefs as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity."

2. It is the case of the petitioner that pursuant to the order dated 26.09.2024 passed in WP No.16273/2023, he was permitted to pay 75% of balance sale consideration, together with interest @6% p.a. from the date of confirmation of sale until the actual deposit. However, the same not having been

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MONNAPPA POONACHA



received by the respondent - bank, the petitioner got issued legal notice dated 13.11.2024 (Annexure - J to the writ petition). It is forthcoming that the respondent - bank vide its reply dated 16.11.2024 (Annexure A to the writ petition) has responded to the legal notice dated 13.11.2024, wherein the bank has denied that the petitioner has complied with the order dated 26.09.2024 passed in WP No.16273/2023 and paid the amount as required.

3. The learned counsel for the respondent - bank submits that the auction was conducted on 19.04.2023. It is further pertinent to note that consequent to the reply dated 16.11.2024, the present writ petition is filed on 13.08.2026, i.e., after a lapse of nearly 2 years.

4. The learned counsel for the petitioner further submits that the petitioner had filed WP No.10717/2025 seeking consideration of the representation dated 13.11.2024. This Court vide order dated 27.07.2026 (Annexure-K to the writ petition) disposed of the said writ petition since the



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representation of the petitioner was already considered vide reply of the bank dated 16.11.2024.

5. At this stage, the learned counsel for the petitioner submits that 25% of the amount that has been paid by the petitioner to the bank has also not been refunded.

6. In view of the aforementioned, the present writ petition is disposed of reserving liberty to the petitioner to give a representation to the respondent - bank seeking for refund of the 25% of the amount deposited by the petitioner. If the said representation is made, the respondent - bank shall consider the same in accordance with law and intimate the petitioner such consideration.

7. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 3