



CNR: KAHC010609322026

NC: 2026:KHC:47114
WP No. 27348 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 27348 OF 2026 (GM-DRT)

BETWEEN:

1. MRS. PARVATHAMMA,
W/O. SOMASHEKAR,
AGED ABOUT 62 YEARS,
R/AT H.NO.14, DHASHIHALLI G,
SHANKARANAHALI, ARASIKERE TALUK,
HASSAN DISTRICT - 573103.
2. MR. SOMASHEKAR,
S/O. NANJEGOWDA,
AGED ABOUT 65 YEARS,
R/AT H.NO.14, DHASHIHALLI G,
SHANKARANAHALI, ARASIKERE TALUK,
HASSAN DISTRICT - 573103.
3. MS. ARCHANA,
D/O. SOMASHEKAR,
AGED ABOUT 33 YEARS,
R/AT H.NO.14, DHASHIHALLI G,
SHANKARANAHALI, ARASIKERE TALUK,
HASSAN DISTRICT - 573103.
4. MR. SANTOSH,
S/O. SOMASHEKAR,
AGED ABOUT 33 YEARS,
R/AT H.NO.14, DHASHIHALLI G,
SHANKARANAHALI, ARASIKERE TALUK,
HASSAN DISTRICT - 573103.

...PETITIONERS

(BY SRI. NISHAN G.K., ADVOCATE)



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AND:

CENTRAL BANK OF INDIA
ARASIKERE BRANCH,
RAHIM SHAHWALI COMPLEX,
HONNAVAR HIGHWAY,
OPP. J.C.GOVERNMENT HOSPITAL,
ARASIKERE, HASSAN DISTRICT - 573103,
REPRESENTED BY ITS
AUTHORIZED OFFICER/CHIEF MANAGER.

...RESPONDENT

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.Nishan.G.K., counsel for the petitioners has appeared
in person.

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

3. This petition is filed seeking following reliefs:

(a) *Issue a Writ in the nature of Certiorari, or any
other appropriate writ, order or direction,
quashing/ setting aside the Order*



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dated:05.08.2026 passed by the Prl. Senior Civil Judge and CJM, Hassan, in Crl.Misc.No.247/2026 (Annexure-A).

- (b) Issue a writ in the nature of mandamus, or any other appropriate writ, order or direction, directing respondent No.1 to accept the outstanding dues under the Housing Loan Account No.2989523668 from the petitioners, and to release/ discharge the mortgage over the schedule property upon receipt of such payment.*
- (c) Pass such other order as this Court deems fit in the light of the facts and circumstances of the 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. Suffice it to note that the respondent Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.247/2026 and the Court vide order dated:05.08.2026 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. 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.: 1 Sl No.: 5