



CNR: KAHC010613482026

NC: 2026:KHC:48035
WP No. 28041 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. 28041 OF 2026 (GM-DRT)

BETWEEN:

SMT. GOWRAMMA
AGED ABOUT 72 YEARS,
W/O LATE HEMANNA,
OCCUPATION: HOUSE WIFE,
RESIDING AT NO.109 AND 201,
MARUTI NILAYA, APARNA BUILDING,
NEAR GOVT. SCHOOL JAKKUR,
BENGALURU - 560064.

...PETITIONER

(BY SRI. VIVEKANAND V.J., ADVOCATE)

AND:

1. BANGALORE CITY CO-OPERATIVE BANK LIMITED,
REPRESENTED BY ITS AUTHORISED OFFICER,
MR. APPAJAIAH C.N.,
HAVING ITS OFFICE AT NO.3,
1ST FLOOR, PAMPAMAHAKAVI ROAD,
CHAMARAJPET, BENGALURU - 560018.
REGISTERED UNDER CO-OPERATIVE
SOCIETIES ACT, 1959.
2. SRI. SIDDARAJU G.,
S/O. GANGARAMAIAH,
AGE ABOUT 38 YEARS,
ENROLMENT NO.KAR/269/2022,
ADDRESS: SRI RAMA NILAYA,
EWS-26, 3RD MAIN ROAD, 2ND CROSS,
NEAR TILAK PARK POLICE STATION,
HOUSING BOARD, TUMKUR-572201.



CNR: KAHC010613482026

NC: 2026:KHC:48035
WP No. 28041 of 2026

(APPOINTED COURT COMMISSIONER
IN CRL.MISC NO.5917/2026)

3. THE STATION HOUSE OFFICER,
AMRUTHALLI POLICE STATION,
BENGALURU-560092.
KARNATAKA.

...RESPONDENTS

(BY SRI. K.V.LOKESH, ADVOCATE FOR C/R1;
SRI. RAJAKUMAR M., AGA FOR 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 PRELIMINARY
HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Vivekananda V.J., counsel for the petitioner and
Sri.K.V.Lokesh, counsel for caveator / respondent No.1
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 declaring that the action of
Respondent Nos.1 to 3 in taking physical possession of
and locking/sealing the property bearing BBMP Khata
No.193/192/191, Old V.P. Khata No.64, situated at
Jakkur Village, Yelahanka Hobli, Bengaluru North Taluk,
Bengaluru, is illegal, arbitrary, without jurisdiction and



CNR: KAHC010613482026

NC: 2026:KHC:48035
WP No. 28041 of 2026

not authorised by the order dated 30.06.2026 passed by the Hon'ble XLI Additional Chief Judicial Magistrate, Bengaluru, in Crl.Misc.No.5917/2026 at Annexure-K and

- b. Issue a writ of mandamus directing Respondent Nos.1 to 3 to forthwith remove the lock/seal placed on the Petitioner's Property bearing BBMP Khata No.193/192/191, Old V.P. Khata No.64, and restore peaceful and vacant physical possession thereof to the Petitioner and
- c. Direct Respondent Nos.1 to 3 to ensure that no coercive action is taken against the Petitioner's Property bearing BBMP Khata No.193/192/191, Old V.P. Khata No.64, pursuant to the order dated 30.06.2026 passed in Crl.Misc.No.5917/2026, at Annexure-K unless and until there is a separate and lawful order specifically covering the said property; and
- d. Award appropriate compensation and direct the Respondents, jointly and/or severally, as may be determined by this Hon'ble Court, to compensate the Petitioner for the unlawful deprivation of possession, mental agony, harassment, inconvenience and reputational injury caused by the wrongful action of the Respondents, or such other amount as this Hon'ble Court may deem just and proper and
- e. Award the costs of this Petition and
- f. Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity.



CNR: KAHC010613482026

**NC: 2026:KHC:48035
WP No. 28041 of 2026**

3. Counsel for the respective parties urged several contentions.

Counsel appearing for the petitioner, in the course of his submissions, strenuously contends that the inaction on the part of respondent Nos.1 to 3, despite the petitioner having specifically brought to their notice the erroneous taking of possession of a property other than the secured asset, is arbitrary, unreasonable and violative of Article 14 of the Constitution of India.

It is further submitted that the Bank, being the beneficiary of the proceedings initiated under Section 14, cannot take advantage of an erroneous identification of the property or an erroneous execution of the order so as to obtain possession of a property which was never the subject matter of the proceedings. It is vehemently contended that the respondents have acted beyond the four corners of the order passed in Crl.Misc.No.5917/2026.

Lastly, it is contended that the petitioner has been deprived of the possession and enjoyment of the property and



CNR: KAHC010613482026

**NC: 2026:KHC:48035
WP No. 28041 of 2026**

that such deprivation is contrary to the protection guaranteed under Article 300A of the Constitution of India. Urging the aforesaid and other grounds, counsel for the petitioner prays that the writ petition be allowed.

Per contra, counsel appearing for respondent No.1 justifies the action taken and submits that the petitioner has an efficacious statutory alternative remedy available. On the said ground, he prays for dismissal of the writ petition.

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

5. A perusal of the reliefs sought at prayer Nos.(a), (b) and (c) would indicate that the same cannot be granted in exercise of the writ jurisdiction of this Court.

Insofar as prayer No.(d) is concerned, the petitioner seeks compensation for the alleged unlawful deprivation of possession, mental agony, harassment, inconvenience and reputational injury said to have been caused on account of the alleged wrongful action of the respondents. The claim for compensation, coupled with the allegations made against



CNR: KAHC010613482026

NC: 2026:KHC:48035
WP No. 28041 of 2026

respondents, would necessarily require a detailed adjudication of disputed questions of fact and appreciation of evidence. Such an exercise cannot appropriately be undertaken in proceedings under Article 226 of the Constitution of India.

In view of the nature of the reliefs sought and the disputed questions involved, this Court declines to exercise its discretionary jurisdiction under Article 226 of the Constitution of India. The petitioner may approach the appropriate forum if so advised and if the law permits.

6. Accordingly, the writ petition is ***dismissed***.

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.: 2 Sl No.: 6