



CNR: KAHC010698552025

NC: 2026:KHC:42417
WP No. 32257 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 32257 OF 2025 (GM-DRT)

BETWEEN:

M/S. SADGURU SAAI ENERGIES PVT. LTD.,
(INCORPORATED UNDER COMPANIES ACT, 1956)
OFFICE AT NO.1417, 23RD 'B' CROSS,
12TH MAIN, 3RD BLOCK EAST,
JAYANAGARA, BENGALURU-560011.
REPRESENTED BY ITS MANAGING DIRECTOR
MANIKONDA SRINIVASA KUMAR
S/O. LATE M.V.KRISHNA RAO,
AGED ABOUT 58 YEARS,

...PETITIONER

(BY SRI. MANJUNATH G.KANDEKAR, ADVOCATE)

AND:

1. THE CHAIRMAN AND MANAGING DIRECTOR,
CANARA BANK HEAD OFFICE,
CORPORATION CIRCLE,
BENGALURU-560009.
2. THE CHIEF MANAGER,
CANARA BANK, TANUKU BRANCH,
TANUKU, WEST GODAVARI DISTRICT,
ANDRAPRADESH-534211.

...RESPONDENTS

(BY SRI. VIGNESH S.SHETTY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.



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THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Manjunath G.Kandekar., counsel for the petitioner and Sri.Vignesh S.Shetty., counsel for the respondents appeared in person.

2. This petition is filed seeking following reliefs:

- a) Issue writ in the nature of certiorari by quashing the redemption notice dated 09.09.2025 issued U/s 13(8) of the SARFAESI Act, 2002 as per Annexure-A and possession notice dated 14.08.2005 issued U/s 13(4) of the SARFAESI Act, 2002 as per Annexure-B and demand notice dated 21.05.2025 issued U/s 13(2) of the SARFAESI Act, 2002 as per Annexure-C.
- b) Issue writ of mandamus against the respondents to consider the representation given to them by petitioner as per Annexure-D dated 13.10.2025, Annexure-D1 dated 25.09.2025, Annexure-D2 dated 28.11.2022, Annexure-D3 dated 24.12.2024 and Annexure-D4 dated 27.12.2024 and allow the writ petition accordingly.



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- c) Pass such other orders as this Court deems fit in the circumstances of the case and in the interest of justice and equity.

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 notices under SARFAESI Act/ Rules. 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 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 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



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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 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 power



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under writ jurisdiction. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioner may approach 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.: 55