



CNR: KAHC010758132025

NC: 2026:KHC:42211
WP No. 35208 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 35208 OF 2025 (GM-DRT)

BETWEEN:

SMT. GAYATHRI,
W/O. LATE S.NEELAKANTAN,
AGED ABOUT 56 YEARS,
R/AT CHURCH ROAD,
KESHAVAPURA EXTENSION,
GANDHINAGAR,
OLD TOWN BHADRAVATHI,
BHADRAVATHI-577 301.

...PETITIONER

(BY SRI. RAVI SHANKAR K., ADVOCATE - ABSENT)

AND:

INDIAN OVERSEAS BANK,
(FINANCIAL INSTITUTION REGISTERED
UNDER THE BANKING COMPANIES,
(ACQUISITION AND TRANSFER OF
UNDERTAKINGS) ACT, 1970),
REPRESENTED BY ITS REGIONAL MANAGER,
HAVING ITS OFFICE AT
SRI BALAJI COMPLEX, TARIKERE ROAD,
NEAR MUNICIPAL OFFICE, BHADRAVATHI,
SHIVAMOGGA-577 301.

...RESPONDENT

(BY SRI. ROHITH KASHYAP, ADVOCATE FOR
SRI. M.R.SHASHIDHAR, ADVOCATE)



CNR: KAHC010758132025

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 IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

When the matter is called, there is no representation on behalf of the petitioner, either personally or through video conferencing.

Sri.Rohith Kashyap., counsel on behalf of Sri.M.R.Shashidhar., for the respondent appeared in person.

2. The notice dated:15.10.2025 issued by the respondent - Bank vide Annexure-A in so far as petitioner is concerned is called into question in this writ petition on several grounds as setout in the memorandum of writ petition.

3. The authorized officer of the Bank issued sale notice of immovable secured assets under Rule 8(6) and 9(1) of the Security Interest (Enforcement) Rules 2002. The petitioner's grievance is about the issuance of the sale notice. Any person/s



CNR: KAHC010758132025

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 Apex Court has settled the law in a catena of decisions that a sale notice cannot be challenged by filing a writ petition. 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 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



CNR: KAHC010758132025

NC: 2026:KHC:42211
WP No. 35208 of 2025

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. Hence, I decline to exercise discretionary power under writ jurisdiction. The petition is devoid of merits. Accordingly, the writ petition is ***dismissed***. The petitioner's 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.: 56