



CNR: KAHC010800912025

NC: 2026:KHC:40524
WP No. 37873 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 37873 OF 2025 (GM-DRT)

BETWEEN:

1. MR. NEELAKANTA DHARMARAJA IYER,
S/O. NEELAKANTA IYER,
AGED ABOUT 35 YEARS,
R/AT NO.19 A, SS MANSION
UMESH RESIDENCY, T.C. PALYA,
BENGALURU-560036.
2. MRS. ATHIRA SATHYAN,
D/O. M.SATHYAN GOPALAN,
AGED ABOUT 33 YEARS,
R/AT G-003,
DS MAX SUNRISE APARTMENT,
KITHAGANURU,
BENGALURU-560036.
3. MR. VINAY KUMAR T.G.,
S/O. SRI. GOVINDA,
AGED ABOUT 38 YEARS,
R/AT NO.20/28, 80 FT ROAD,
9TH CROSS, SHAKHAMBARI NAGAR,
I.G. CIRCLE, J.P. NAGAR,
1ST STAGE, BENGALURU-560078.

...PETITIONERS

(BY SMT. SHYLASHREE, ADVOCATE FOR
SRI. YOGESHA KUMARA, ADVOCATE)

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. SRI. M.VISVESVARAYA CO-OPERATIVE BANK LTD.,
NO.109, CORPORATE OFFICE,
2ND FLOOR, SHANKARMUTT ROAD,
SHANKARAPURAM, BENGALURU-560004.
REPRESENTED BY ITS
CEO/AUTHORISED SIGNATORY,
2. M/S. KRISHNA SHELTERS PVT. LTD.,
NO.59, "SRI. KRISHNA SUDHA",
WEST ANJANEYA TEMPLE STREET,
OPP. BASAVANAGUDI MAIN ROAD,
BENGALURU-560004.
REPRESENTED BY ITS
MANAGING DIRECTOR AND DIRECTOR.
3. SRI. K.A.RAGHAVENDRA,
S/O. LATE SHWATHNARAYANA RAO K.N.,
MAJOR,
R/AT NO.445, SRI. KRISHNANIDHI,
33RD CROSS, 7TH MAIN, 4TH BLOCK,
JAYANAGAR, BENGALURU-560011.
4. SMT. SRILAKSHMI,
W/O. SRI. RAGHAVENDRA K.A.,
MAJOR,
R/AT NO.445, SRI. KRISHNANIDHI,
33RD CROSS, 7TH MAIN, 4TH BLOCK,
JAYANAGAR, BENGALURU-560011.

...RESPONDENTS

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:



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ORAL ORDER

Smt.Shylashree., counsel on behalf of Sri.Yogeesha Kumara., for the petitioners appeared through video conferencing.

2. This petition is filed seeking following reliefs:
 - (i) Issue a writ in the nature of certiorari or any other appropriate writ or order or direction to quash the order dated 01.02.2024 passed by the 32nd Additional Chief Metropolitan Magistrate in No.Crl.Misc.No.2476/2023 as per Annexure-A insofar as schedule property is concerned.
 - (ii) Grant such other further relief as may deem fit in the circumstances of the case.

3. Counsel for the petitioners urged several contentions. Heard the arguments and perused the papers with care.

4. It is sufficient to note that the Bank had instituted proceedings under Section 14 of the SARFAESI Act in Crl.Misc.No.2476/2023, which came to be allowed by the competent Court vide order dated 01.02.2024. An order passed under Section 14 of the SARFAESI Act is not amenable to



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challenge under the writ jurisdiction of this Court, particularly when an efficacious alternative statutory remedy of approaching the Debts Recovery Tribunal (DRT) is available.

The litigants are not left without a remedy, as the DRT has been constituted under the statute as the appropriate forum to adjudicate disputes arising under the provisions of the SARFAESI Act. In such circumstances, there is no justification for invoking the extraordinary writ jurisdiction of this Court.

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 circumspection. Hence, I decline to exercise power under writ jurisdiction.

5. 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.: 1 Sl No.: 13