



CNR: KAHC010811972025

NC: 2026:KHC:42435
WP No. 37449 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. 37449 OF 2025 (GM-DRT)

BETWEEN:

1. SRI. PURUSHOTHAM T.R.,
S/O. RAJU,
AGED ABOUT 57 YEARS,
2. SMT. JYOTHI P.,
W/O. PURUSHOTHAM T.R.,
AGED ABOUT 52 YEARS,

BOTH ARE RESIDING AT
KALPANA NIVAS, 1ST CROSS,
SUBHASHCHANDRA ROAD,
KULAI SURATKAL-575050.

...PETITIONERS

(BY SRI. SURENDRA KUMAR N., ADVOCATE - ABSENT)

AND:

KARNATAKA BANK LIMITED,
REGISTERED AND HEAD OFFICE,
MAHAVEERA CIRCLE, KANAKNADY,
MANGALORE-575002
AND BRANCH KNOWN AS
MANGALURU-P.M.ROAD BRANCH,
AT CAR STREET (PM RAO ROAD) BRANCH,
'ANANTEESH' GROUND FLOOR,
G-6 AND G-1, CAR STREET,
MANGALURU-575001.
DAKSHINA KANNADA DISTRICT
REPRESENTED BY ITS BRANCH MANAGER

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



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...RESPONDENT

(BY SRI. NITHIN CHANDRA M., ADVOCATE FOR
SRI. VINOD KUMAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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 petitioners, either personally or through video
conferencing.

Sri.Nithin Chandra.M., appeared in person and submits
that counsel Sri.Vinod Kumar undertakes to file power on
behalf of the respondent.

Submission is noted. Office is directed to accept the
vakalath that counsel Sri.Vinod Kumar., would file.

2. This petition is filed seeking following reliefs:

- (a) A writ of certiorari or any other appropriate writ or
direction and thereby quash the notice
dated:29.11.2025 vide Annexure-A.



CNR: KAHC010811972025

- (b) Issue a writ of mandamus directing respondent Bank to consider the case of the petitioner under the One Time Settlement Scheme in order to meet ends of justice.
- (c) Grant such other relief or relief as this Court deems it fit to grant in the facts and circumstances of the case and in the interest of justice and equity.

3. Suffice it to note that the respondent Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.186/2025 and the Court vide order dated:25.07.2025 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.

Pursuant to order under Section 14, the Bank had issued pre-takeover notice to the petitioners. The petitioners grievance is about the issuance of pre-takeover notice. The relief sought by the petitioners cannot be granted under writ jurisdiction. They have a liberty of filing objections and also approach DRT, appealing to the Tribunal if needed. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.



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



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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.: 59