HC-KAR

NC: 2026:KHC:60612
WP No. 3371 of 2024

CNR: KAHC010031402024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.3371 OF 2024 (GM-DRT)

BETWEEN:

MR. MOHAMMED RAFIQUE,
S/O K.I. ABDUL KHADER,
AGED ABOUT 37 YEARS,
RESIDING AT D.NO.3-48,
HAJANIBAGH, KANNANGAR NADSAL,
PADUBIDRI, KAPU TALUK,
UDUPI, KARNATAKA – 574111. …PETITIONER

(BY SRI. GIRISH B. BALADARE, ADVOCATE)

AND:

1. THE AUTHORIZED OFFICER,
BANK OF BARODA
KINNIGOLI BRANCH,
SEA VALLEY GARDEN,
GROUND FLOOR, NEAR BUS STAND,
KINNIGOLI – 574150.

2. THE DEPUTY COMMISSIONER,
RAJATADRI-MANIPAL,
UDUPI DISTRICT,
UDUPI – 576 101. …RESPONDENTS

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

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, DIRECTIONS OR ORDER QUASHING THE ANNEXURE-A THAT IS

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

THE ORDER DATED 04.03.2022 PASSED BY THE DEPUTY COMMISSIONER UDUPI DISTRICT RAJATADRI-MANIPAL IN SECS/CR/31/2020 INSOFAR AS PETITIONER IS CONCERNED AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. The petitioner impugns the order dated 04.03.2022 passed by the Deputy Commissioner, Udupi District under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the Act**].

2. This Court, by order dated 21.02.2024, granted an interim order staying the taking of possession of the property, subject to the condition that the petitioner deposit 20% of the amount, *i.e.,* ₹37,67,108.59/-. On 01.03.2024, this Court, further directed the petitioner to deposit 10% within a period of six weeks.

3. It is informed to this Court that the petitioner has deposited 30% of the amount with the respondent-Bank and the petitioner intends to pursue one-time settlement.

4. The learned counsel appearing for the respondent-Bank submits that the co-borrower had approached the Debts Recovery

Tribunal [**DRT**] against the proceedings initiated by the Bank in S.A. No.120/2020, which came to be dismissed on 11.09.2023.

5. The co-borrower has availed the appellate remedy against the measures taken by the Bank. The petitioner, if aggrieved by the measures taken by the Bank, may also approach the DRT.

6. This Court is not inclined to entertain the writ petition, as no exceptional grounds have been made out. The Hon'ble Supreme Court, in a catena of decisions, including **United Bank of India v. Satyawati Tondon and Others**[1] and **PHR Invent Educational Society v. UCO Bank and Others**[2], has repeatedly cautioned the High Courts against entertaining petitions under Article 226 of the Constitution of India in matters arising under the Act when the aggrieved person has an effective statutory remedy before the Tribunal.

7. In light of the alternate efficacious statutory remedy available to the petitioner, the writ petition is ***dismissed*** with liberty to the petitioner to approach the Tribunal in accordance with law.

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[1] (2010) 8 SCC 110
[2] (2024) 4 SCC 579

8. The time spent by the petitioner before this Court is made available to him under Section 14 of the Limitation Act, 1963.

Sd/-

JUSTICE K.S. HEMALEKHA

MBM
List No.: 1 Sl No.: 3