HC-KAR

NC: 2026:KHC:61814
WP No. 6637 of 2024

CNR: KAHC010132392024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 6637 OF 2024 (GM-DRT)

BETWEEN:

MR. B.K. CHANDRASHEKAR
S/O SRI. KRISHNAPPA,
AGED ABOUT 45 YEARS,
NO.53/2, 6TH CROSS, 3RD PHASE,
SIDDAGANGA CHOULTRY ROAD,
MANJUNATH NAGAR,
BENGALURU - 10.

...PETITIONER

(BY SMT. PRIYA P, ADVOCATE)

AND:

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

AUTHORIZED OFFICER
M/S. THE BANGALORE CITY
CO-OPERATIVE BANK LTD.,
NO.3, 1ST FLOOR, PAMPAMAHAKAVI ROAD,
CHAMRAJPET, BANGALORE - 560 018,
REP. BY ITS AUTHORIZED OFFICER,
APPAJAIAH C.N.

...RESPONDENT

(BY SRI. LOKESH K.V, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTIUTION OF INDIA PRAYING TO SET ASIDE ILLEGAL ORDER DTD. 31.01.2023 ANNX-F, PASSED BY THE HONBLE 5TH ACMM, WITHOUT JURISDICTION, AUTHORITY AND POWER

UNDER THE MANDATORY PROVISION LISTED UNDER SEC.14(1) OF AFFIDAVIT CLAUSES (i) TO (ix) WITHOUT PURSUING VERIFYING THE CONTENTS OF THE AFFIDAVIT, IS UNSUSTAINABLE IN THE EYE OF LAW AND AS SUCH IT SHOULD BE TREATED AS A NULLITY IN THE FACTS AND CIRCUMSTANCES OF THE CASE AND THE GROUNDS LISTED IN THE APPEAL AS THE ORDERS ARE PASSED AFTER VERIFYING THE DOCUMENTS FILED IN SUPPORT OF THE CASE AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

This petition was listed on 17.10.2026. At the request of the learned counsel for the respondent, the matter was adjourned to 05.11.2026. On that date also there was no representation behalf of the respondent. However, in the interest of justice, the petition was directed to be listed today, i.e., on 06.11.2026. Even today, there is no representation on behalf of the petitioner.

2. The challenge in this writ petition is to the order passed by the learned Magistrate under Section 14(1) of the Securitisation and Reconstruction of Financial Assets

and Enforcement of Security Interest Act, 2002 (for short, the 'SARFAESI Act'), permitting the respondent-Bank to take possession of the secured asset through its authorised officer.

3. This Court, by interim order dated 01.03.2024, stayed further proceedings pursuant to the impugned order, subject to the petitioner depositing 30% of the outstanding dues as on the said date within eight weeks.

4. Learned counsel for the respondent submits that the petitioner has complied with the interim order. However, no further payments have been made from 2024 till date. The respondent has filed an application seeking vacation of the interim order.

5. It is asserted in the affidavit accompanying the application that the proceedings initiated under Section 13(4) of the SARFAESI Act is appealable under Section 17 of the Act before the Debts Recovery Tribunal (for short, the 'DRT'). Therefore, the writ petition is not maintainable,

and the petitioner will have to be relegated to avail the statutory remedy under Section 17 of the Act.

6. In view of the fact that no further payments have been made towards the discharge of the loan from 2024 onwards, that the loan account of the petitioner continues to be a non-performing asset and that the action initiated under the SARFAESI Act is amenable to challenge before the DRT under Section 17 of the Act, no purpose would be served in keeping this petition pending. In the result, the challenge to the order passed under Section 14 of the SARFAESI Act is rejected. However, liberty is reserved to the petitioner to approach the DRT under Section 17 of the Act.

7. If an appeal under Section 17 of the Act is filed within a period of three weeks from today, the petitioner shall be entitled to seek exclusion of the time spent in prosecuting the present writ petition while computing the period of limitation for filing the appeal under Section 17 of the Act.

8. The petitioner has the benefit of the interim order dated 01.03.2024 till date, therefore, the said interim protection shall continue for a period of three weeks from today.

9. If the appeal is not filed within a period of three weeks, the respondent-Bank is at liberty to proceed in accordance with the order passed under Section 14 of the Act.

10. The writ petition stands ***disposed of***.

Order accordingly.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

TMP
List No.: 1 Sl No.: 2