HC-KAR

NC: 2026:KHC:60614
WP No. 7109 of 2024

CNR: KAHC010135182024

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.7109 OF 2024 (GM-DRT)

BETWEEN:

1. M/S. SANTHOSH PLASTIC INDUSTRIES
UNREGISTERED FIRM
REP. BY ITS PARTNER
MR. PARTHIBAN .P
NO.188/6, BETTANAPALYA,
KENGERI HOBLI,
BENGALURU - 560060.

2. MR. PARTHIBAN .P
S/O LATE SRI. N.A. PANDIYAN
AGED ABOUT 57 YEARS,
NO.188/6, BETTANAPALYA,
KENGERI HOBLI,
BENGALURU - 560060.

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

3. MRS. LATHA .P
W/O MR. PARTHIBAN .P
AGED ABOUT 53 YEARS,
NO.188/6, BETTANAPALYA,
KENGERI HOBLI,
BENGALURU - 560060.

…PETITIONERS

(BY SRI. RANGA SWAMY B., ADVOCATE)

AND:

ASHOKANAGAR CO-OPERATIVE BANK LTD.,
NO.1380/B, 6TH CROSS,
ASHOKANAGAR,
BSK 1ST STAGE, 2ND BLOCK,

BENGALURU - 560050.
REP. ITS AUTHORISED OFFICER.

...RESPONDENT

(BY SRI. NANDAN KUMAR, ADVOCATE FOR
SRI. LOKESH K.V., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN ORDER, DIRECTION OR WRIT IN THE NATURE OF CERTIORARI FOR QUASHING ANNEXURE-A, AUCTION NOTICE DATED 29.01.2024 VIDE REF:ACBL/899/2023-24, ISSUED BY THE RESPONDENT 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 petitioners impugn the auction notice dated 29.01.2024 issued by the respondent-Bank and further direction to the respondent to restore the physical possession of the scheduled property in favour of the petitioners by setting aside the possession notice dated 08.09.2023.

2. This Court, on 06.03.2024, has passed the following order:

> "Heard the learned counsel appearing for the petitioners.
>
> Issue emergent notice to the respondent.

> The petitioners are before this Court calling in question the sale notice dated 29.01.2024. The amount in due is said to be Rs.2,07,40,097/-.
>
> Therefore, the sale shall go on. The auction purchaser shall not be issued a sale certificate, subject to the condition that the petitioners would deposit 20% of the outstanding amount, within 6 weeks from today, in the following manner:
>
> (i) The Petitioners shall deposit 10% within three weeks from today.
>
> (ii) Reminder of 10% shall be paid within another three weeks, thereafter.
>
> (iii) Any deviation in paying the aforesaid amount within the time line as stipulated hereinabove, even of the first instance, would entail vacation of the interim order and would also run the risk of dismissal of the petition itself."

3. The interim order dated 06.03.2024 has neither been complied with nor is there any representation on behalf of the petitioners.

4. The initiation of the proceedings by the respondent-Bank is an appealable measure. Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the Act**] provides for an alternate efficacious statutory remedy. Therefore, this Court is not inclined to entertain the writ petition as no exceptional case has been made out as held

by the Supreme Court in **PHR Invent Educational Society v. UCO Bank and Others**[1].

5. In these circumstances, the writ petition is ***dismissed.*** However, liberty is reserved to the petitioner to approach the appropriate forum in accordance with law.

Sd/-

JUSTICE K.S. HEMALEKHA

MBM
List No.: 1 Sl No.: 5

[1] (2024) 4 SCC 579