HC-KAR
NC: 2026:KHC:60653
WP No. 7233 of 2025
CNR: KAHC010142722025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 7233 OF 2025 (GM-DRT)

BETWEEN:

1. SMT GOWRI
   W/O LATE JAGADEESH,
   AGED ABOUT 53 YEARS,

2. VIBHA J. ANCHAN,
   D/O LATE JAGADEESH,
   AGED ABOUT 23 YEARS,

3. CHINTHAN J. ANCHAN,
   S/O LATE JAGADEESH,
   AGED ABOUT 21 YEARS,

   ALL ARE RESIDING AT
   NO.1-96(B), STORE HOUSE,
   THANNIRUPANTHA POST,
   THANNIRUPANTHA,
   DAKSHINA KANNADA - 574 326

...PETITIONERS

(BY SRI. DHANANJAY KUMAR.,ADVOCATE)

AND:

1. STATE BANK OF INDIA
   REP. BY ITS BRANCH MANAGER,
   HAVING ITS OFFICE AT
   COURT ROAD, PUTTUR BRANCH,
   OPP. TO POLICE QUARTERS,

DAKSHINA KANNADA - 574 326.

…RESPONDENT

(BY SMT. CHITRA NIRMALA, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ALL FURTHER PROCEEDINGS PURSUANT TO THE NOTICE DATED 21/10/2024 ISSUED BY THE RESPONDENT BANK VIDE ANNX-A.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"a) Issue a writ of certiorari, to quash all further proceedings pursuant to the Notice dated 21/10/2024 issued by the Respondent Bank vide Annexure-A*
>
> *(ii) Direct the respondent Bank to handover the possession of the residential property bearing Sy. No.141/13 (141/1A1AP2), Property ID No. 151110010220083 (as per 11B), site measuring: 1011.71 sq.mtr (as per 11B), property: 0.25 Acres (25 cents), situated at Thannirpantha Village Belthangady Taluk, Dakshina Kannada District to the petitioners.*
>
> *(iii) Issue any other order or direction under the facts and circumstances of the present case, to grant such other relief as this Hon'ble court would deem fit to be granted, in the interest of justice and equity."*

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2. The petitioner has impugned the notice dated 21.10.2024 (Annexure-A to the writ petition), whereunder the respondent - Bank has required the petitioners to vacate the property in question pursuant to the measures having been taken by the Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002[1].

3. Learned counsel for the respondent - Bank has filed statement of objections and submits that the possession of the property in question was taken on 23.01.2025, which has been acknowledged by the first petitioner in the panchanama (Annexure-R5 to the statement of objections). It is further submitted that the writ petition has been filed subsequently on 28.02.2025.

4. This Court vide interim order dated 26.03.2025, ordered as under:

> *"Issue emergent notice to the respondent.*
>
> *The petitioners are before this Court calling in question notice dated 21.10.2024.*

[1] Hereinafter referred to as ' SARFAESI Act'

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There shall be an interim order of stay of the notice dated 21.10.2024, subject to the petitioners depositing 20% of the amount in due to the Bank within 8 weeks from today, in the following manner:

a. The first chunk of 10% shall be deposited within four weeks from today;

b. The second chunk of 10% shall be deposited within four weeks on completion of four weeks aforementioned; and

c. Any deviation in paying the aforesaid amount within the time line as stipulated hereinabove, even of the first instance, would result automatic vacation of the interim order and would also run the risk of dismissal of the petition itself.

d. In the event the petitioners would not comply with the interim order, the Bank is at liberty to take possession of the property and take the proceedings to its logical conclusion."

5. It is clear and forthcoming from the interim order dated 26.03.2025 that the aspect that the respondent - Bank has already taken possession of the property in question was not highlighted at the time of filing the writ petition.

6. Having regard to the fact that the possession of the property in question has already been taken prior to filing the writ petition and the fact that the bank has initiated measures under the provisions of the SARFAESI Act, the present writ petition stands dismissed.

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7. This order will not preclude the petitioners from availing remedies in accordance with law.

8. Pending IAs., if any, stand disposed of.

Digitally Signed by CHEPPUDIRA MONNAPPA POONACHA

(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 24