HC-KAR

NC: 2026:KHC:54628
WP No. 6619 of 2025

CNR: KAHC010149812025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.6619 OF 2025 (GM-DRT)

BETWEEN:

1. RAVINCHANDRA K.N.
S/O NARAYANAPPA,
AGED ABOUT 51 YEARS,

2. SMT. CHINNAMMA .R
W/O B. NARAYANAPPA
AGED ABOUT 41 YEARS,

PETITIONER NOS.1 AND 2 ARE
R/AT NO.1, SY NO.1,
1ST CROSS ROAD, GUNDAPPA LAYOUT,
KYALASANAHALLI, KOTHANUR POST,
K.R. PURAM HOBLI,
BANGALORE-560077.

...PETITIONERS

(BY SRI. DILIP H.D., ADVOCATE FOR
SRI. KALYAN R., ADVOCATE)

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

AND:

1. KARNATAKA BANK LTD.,
ASSET RECOVERY MANAGEMENT BRANCH,
1ST FLOOR, FKCCI BUILDING,
KEMPEGOWDA ROAD,
BENGALURU- 560009
REP. BY CHIEF MANAGER.

2. THE AUTHORIZED OFFICER,
KARNATAKA BANK LTD.,
(THE MANAGING DIRECTOR)
ASSET RECOVERY MANAGEMENT BRANCH,
1ST FLOOR, FKCCI BUILDING,
KEMPEGOWDA ROAD,
BENGALURU – 560009.

3. THE SENIOR MANAGER
KARNATAKA BANK LIMITED
IFB BRANCH, INFANTRY ROAD,
SHIVAJINAGAR, BANGALORE – 560001.

…RESPONDENTS

(BY SRI. K.Y. SHYAMA PRASADA, ADVOCATE FOR R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 17.07.2023 IN C.MISC.NO.50496/2023 PASSED BY XI ACMM AT BANGALORE CITY AS PER ANNEXURE-A TO THE WRIT PETITION AND CONSEQUENTLY TO QUASH THE IMPUGNED NOTICE DATED 20.02.2025 BEARING NO.ARMB/BNG/PF:890/OR/ /2024-25 ISSUED BY THE RESPONDENT NO.2 AS PER ANNEXURE-B TO THE WRIT PETITION AND ETC.

THIS PETITION, COMING ON FOR HEARING – INTERLOCUTORY APPLICATION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. The petitioners have approached this Court seeking to quash the order dated 17.07.2023 passed in C.Misc.No.50496/2023 by the Court of XI Additional Chief Metropolitan Magistrate, Bengaluru [**the Magistrate**] and the consequential notice dated 20.02.2025 issued by respondent No.2.

2. The petitioners had availed a loan of ₹19 lakhs from respondent-Bank pursuant to the sanction letter dated 16.02.2012. The petitioners offered the property bearing Khata No.296/984

measuring 1200 sq. ft., situated at Kyasanahalli Village, Kothanur Post, K.R. Puram Hobli, Bengaluru [**the Subject property**] as security for the said loan. As the petitioners failed to repay the EMIs regularly to the respondent-Bank, the respondent-Bank initiated the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the SARFAESI Act**], and issued a sale notice on 04.01.2024. Petitioner No.1 submitted a One Time Settlement [**OTS**] proposal and, according to the petitioners, in order to demonstrate their bonafides, deposited a sum of ₹4 lakhs with the Bank on 31.01.2024.

3. The respondent-Bank approached the Magistrate by filing a petition under Section 14 of the SARFAESI Act. By the impugned order, the Magistrate allowed the said petition.

4. Learned counsel for the petitioners submits that the petitioners are willing to pay the amount due to the respondent-Bank.

5. Learned counsel for the respondent-Bank submits that this Court, by order dated 25.03.2025, had granted interim protection in

view of the undertaking given by the petitioners that they would deposit a sum of ₹10 lakhs. It is his submission that the interim order has not been complied with.

6. Learned counsel for the respondent-Bank further contends that the impugned order is an appealable order and that the petitioners have an efficacious alternative remedy under Section 17 of SARFAESI Act.

7. Section 17 of the SARFAESI Act provides a remedy to any person, including a borrower, who is aggrieved by any of the measures taken by the secured creditor for recovery of the secured debt. Admittedly, the proceedings in the present case have been initiated under the SARFAESI Act.

8. 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 held that the writ petitions challenging orders passed or measures taken under the SARFAESI Act ought not to be

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

entertained where an efficacious alternative remedy is available before the Debt Recovery Tribunal or the Appellate Tribunal.

9. In view of the above, this Court does not find any ground to entertain the writ petition on the ground of alternative remedy. Accordingly, the writ petition is ***dismissed***. However, considering that the petitioners have deposited a sum of ₹5 lakhs before this Court, the Registry is directed to refund the said amount to the petitioners.

10. This order shall not preclude the petitioners from approaching the respondent-Bank seeking settlement of the outstanding dues. If any such proposal is made, it is for the Bank to consider the same in accordance with.

11. Pending interlocutory application stands disposed of.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 4