HC-KAR

NC: 2026:KHC:54629
WP No. 7393 of 2025

CNR: KAHC010172352025

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.7393 OF 2025 (GM-DRT)

BETWEEN:

1. SRI. DINESH SHETTY
AGED ABOUT 50 YEARS,
W/O BASAVA SHETTY,

2. SMT. ANU,
W/O DINESH SHETTY,
AGED ABOUT 45 YEARS,

BOTH ARE RESIDING AT
NO.23, 2ND CROSS, 8TH MAIN ROAD,
BYRASANDRA, JAYANAGARA 3RD BLOCK,
BENGALURU-560011.

…PETITIONERS

(BY SRI. GIRISH B. BALADARE, ADVOCATE)

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

AND:

THE MANAGER
ASHOKNAGARA CO-OPERATIVE BANK LTD.,
NO.1380/B, 6TH CROSS, ASHOKNAGAR,
BANASHANKARI 1ST STAGE,
2ND BLOCK, BENGALURU – 560050.

…RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ANNEXURE-C THAT IS THE SALE NOTICE DATED 07-02-2025 FOR E-AUCTION OF IMMOVABLE PROPERTY SCHEDULED ON 13-03-

2025 ISSUED BY THE RESPONDENT BANK i.e., THE MANAGER, ASHOKNAGARA CO-OPERATIVE BANK LTD. ASHOKANAGARA, BENGALURU, IN THE INTEREST OF JUSTICE AND EQUITY 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 petitioner is before this Court impugning the sale notice dated 07.02.2025 issued for e-auction of the property bearing No.13/7-2 E part, PID No.48-92-13/7-2, 6th Cross, New Kalasipalyam Layout, Benagluru and the house building property bearing No.13/7 D part, PID No.48-92-13/7-1, 6th Cross, New Kalasipalyam Layout, Bengaluru [**the Subject properties**].

2. The petitioner had availed a loan of ₹90 lakhs from the respondent-Bank by mortgaging the subject properties as security for the said loan. As the petitioner failed to repay the EMIs regularly to the respondent-Bank, the respondent-Bank issued a demand notice dated 05.07.2024 calling upon the petitioner to pay the outstanding amount along with interest due thereon. As the demand notice was not complied with, the respondent-Bank issued

a sale notice dated 07.02.2025 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the SARFAESI Act**], proposing to conduct an e-auction of the subject properties on 13.03.2025.

3. Concededly, the petitioner is assailing the measures taken under Section the Section 13(4) of the SARFAESI Act, which are appealable, and the petitioner has an efficacious alternative remedy under Section 17 of the SARFAESI Act.

4. 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.

5. 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.

6. 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***.

7. Pending interlocutory application stands disposed of.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 5