NC: 2026:KHC:20998
WP No. 9464 of 2022

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 9464 OF 2022 (GM-DRT)

BETWEEN:

1. SMT.SHOBA K,
   W/O VINAY S,
   AGED ABOUT 39 YEARS,

2. SRI. VINAY S,
   S/O SHIVASHANKAR,
   AGED ABOUT 39 YEARS,

   BOTH ARE R/AT NO. 10
   BBMP KHATHA NO. 443/181/33/54/10
   OLD NO. 181, NEW KHATHA NO. 334,
   WHITEFIELD VILLAGE,
   K.R. PURAM HOBLI,
   BANGALORE - 560 066.

...PETITIONERS

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

(BY SRI. JAGADEESHACHARI.,ADVOCATE)

AND:

1. THE PRAGATHI CO-OPERATIVE BANK LTD.,
   NO. 12/1, PRAGATHI BHAVANA,
   1ST MAIN, MALLESHWARAM,
   BANGALORE 560 003.

2. SRI. KESHAVAMURTHY,
   S/O VENKATASWAMY,
   AGED ABOUT 51 YEARS,

3. SMT. SUMANGALA,
   W/O KESHAVAMURTHY,

AGED ABOUT 40 YEARS,

RESPONDENTS NO.2 & 3 ARE R/AT NO. 47,
NALLURAHALLI VILLAGE,
WHITEFIELD ROAD,
BANGALORE 560 066.

…RESPONDENTS

(BY SRI. GURUSWAMY.,ADVOCATE FOR R1;
R2 & R3 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS VIDE ANNX-C DATED 27.08.2021 PASSED BY THE CHIEF JUDICIAL MAGISTRATE, BANGALORE RURAL DISTRICT, BANGALORE IN CRL.MISC.NO.287/2021 AND QUASH THE SAME BY WAY OF WRIT OF CERTIORARI.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayer:

> ***i) Call for the records as per Annexure-'C' dated 27.8.2021 passed by the Chief Judicial, Magistrate, Bangalore, Rural District Bangalore in Crl.Misc. No.287/2021 and quash the same by way of Writ of Certiorari;***
>
> ***ii) To pass any such other order or orders, as this Hon'ble Court deems fit under the facts and circumstances of the case, including the award of costs, in the interests of justice and equity."***

2. The petitioner is questioning the proceedings initiated under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESAI Act) by the first respondent/Bank. The writ petition filed against the first respondent/Bank i.e., the Pragathi Co-operative Bank Ltd., is not maintainable before this Court as it is a private Bank.

3. In the light of the Judgment passed by the Hon'ble Apex Court in Civil Appeal Nos.257-259/2022 between ***Phoenix ARC Private Limited Vs. Vishwa Bharathi Vidya Mandir and others*** arising out of WP.Nos.35564-35566/2015 dated 27.03.2018, the present writ petition is not maintainable against the Pragathi Co-operative Bank Ltd and that apart if the petitioner is aggrieved by the order passed under Section 14 of the SARFAESI Act, petitioner can approach the Tribunal under Section 17 of the Act.

4. The petitioner has relied on an order passed by the Co-ordinate Bench of this Court in the case of ***Smt.Paranna Vs. The Authorized officer, SBI & Ors*** arising out of WP.No.2610 & 2611/2012 dated 26.09.2013 wherein an order is passed stating that:

> ***"when the petitioners are the tenants they cannot be dispossessed under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. A tenant who has been inducted into the premises has to be evicted under the due process of law and accordingly the order is set aside."***

5. In the light of the fact that the writ petition is not maintainable, this Court is not going into the said aspect. The petitioner's remedy is to go before the DRT under Section 17 of the SARFAESI Act, anybody who is aggrieved can go before the DRT.

6. Accordingly, this Court is passing the following:

ORDER

i. Accordingly, the writ petition is ***disposed of*****.**

ii. The petitioner shall avail the benefit under Section 14 of the Limitation Act.

iii. The petitioner shall go before the DRT within 30 days from the date of receipt of the copy of the order.

iv. Pending I.As., in the writ petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS/List No.: 1 Sl No.: 76