HC-KAR

NC: 2026:KHC:60615
WP No. 9552 of 2025

CNR: KAHC010213902025

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.9552 OF 2025 (GM-DRT)

BETWEEN:

NANJUNDAIAH .H.N
S/O LATE NANJEGOWDA
AGED ABOUT 79 YEARS,
RESIDING AT NO.23,
SRI LAKSHMI RANGANATHA NILAYA
C.K.M. ROAD, KRISHNAPPA LAYOUT,
NAGASHETTIHALLI, SANJAYNAGAR,
BENGALURU-560094.

…PETITIONER

(BY SRI. AKSHAY HUDDAR, ADVOCATE FOR
SRI. DHANUSH MENON, ADVOCATE)

AND:

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

1. THE CHIEF EXECUTIVE OFFICER
JANATHA COOPERATIVE BANK LTD.,
OFFICE AT #1156, 8TH MAIN ROAD,
17TH CROSS, MALLESHWARAM WEST,
BENGALURU-560055.

2. THE AUTHORISED SIGNATORY AND MANAGER
JANATHA COOPERATIVE BANK LTD.,
OFFICE AT #1156, 8TH MAIN ROAD,
17TH CROSS, MALLESHWARAM WEST,
BENGALURU-560055.

…RESPONDENTS

(BY SRI. SAILESH S. KATAREY, ADVOCATE FOR R-1 & R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE APPROPRIATE WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, QUASHING THE NOTICE DATED 14.05.2024, BEARING JCB/PRAKA/MAC/MLM/112/24-25 ISSUED BY THE 2ND RESPONDENT, A COPY OF WHICH IS HEREIN PRODUCED AS ANNEXURE-C, AS ILLEGAL AND VOID 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 petitioner impugns the notice dated 14.05.2024 issued by respondent No.2 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the Act**].

2. This Court on 28.03.2025, passed the following order:

> "1. Sri. Shailesh.S.K., learned counsel is directed to accept notice for respondents No.1 and 2.
>
> 2. The submission of the counsel for the petitioner is that due to financial stringency, the petitioner could not make payment of the due amounts. The total amount due as on today is Rs.31,20,571/-. The petitioner in order to establish his bonafides would make payment of a sum equivalent to 20% of the said amount, i.e., Rs.6,24,114/- within four weeks from today, that is on or before 25.4.2025 and another sum equivalent to 20% of the due amount within four weeks thereafter, that is by 23.5.2025.
>
> 3. In view of the said submission, though the auction can go on, respondents are restrained from confirming the auction sale.

> 4. In the event of default thereof, as also in the event of default in making payment of the above installments, the interim order would stand automatically vacated and respondent-Bank would be at liberty to confirm the auction.
>
> 5. Re-list on 3.6.2025"

3. It is submitted by the learned counsel for the petitioner that the interim order has been complied with and the amount has been deposited with respondent No.2-Bank. It is further submitted that the petitioner is willing to explore one time settlement. The measures taken by the respondent-Bank is an appealable measure under Section 17 of the Act.

4. This Court is not inclined to entertain the writ petition, as no exceptional grounds have been made out. 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 repeatedly cautioned the High Courts against entertaining petitions under Article 226 of the Constitution of India in matters arising under the Act when the aggrieved person has an effective statutory remedy before the Tribunal.

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

5. In light of the alternate efficacious statutory remedy available to the petitioner, the writ petition is ***dismissed*** with liberty to the petitioner to approach the Tribunal in accordance with law.

6. The time spent by the petitioner before this Court is made available to him under Section 14 of the Limitation Act, 1963. This order would not preclude the petitioner from approaching the respondent-Bank for one time settlement, if so advised, in accordance with law..

Sd/-

JUSTICE K.S. HEMALEKHA

MBM
List No.: 1 Sl No.: 9