IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 14564 OF 2026 (GM-DRT)

BETWEEN:

SRAVANTHI GORAKANTI SRINIVAS
D/O. G SRINIVAS,
AGED ABOUT 39 YEARS,
PLOT NO. 62, H. NO. 12-13-768,
KIMTEE COLONY, TARNAKA, HYDERABAD,
TELANGANA – 500 017.
ALSO AT
FLAT-108, D BLOCK,
GROUND FLOOR, ICONEST 3,
SL. NO. 96/1,2,3,4,270,283,
KACHANAYAKANAHALLI VILLAGE,
JIGANI HOBLI, ANEKAL TCI,
BENGALURU -562 106

…PETITIONER

(BY SRI. KARTIKEYA KHANNA, ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

AND:

1. HDFC BANK LIMITED
(FORMERLY HDFC LIMITED,
AMALGAMATED VIDE NCLT
ORDER DATED 17.03.2023),
RETAIL PORTFOLIO MANAGEMENT,
HDFC HOUSE NO. 51, KASTURBA ROAD,
BENGALURU,
KARNATAKA -560 001.

REPRESENTED BY ITS
AUTHORISED OFFICER
UNDER SARFAESI ACT, 2002

2. THE CHIEF JUDICIAL MAGISTRATE,
BENGALURU RURAL DISTRICT,
BENGALURU

3. K.N. RESOLUTIONS PVT. LTD.,
(SECURITY ENFORCEMENT AGENCY)
A COMPANY REGISTERED UNDER
COMPANIES ACT, 2013
HAVING REGISTERED ADDRESS
AT 228, I FLOOR, RASHI RESIDENCY
KADABAGERE VILLAGE,
DASANAPURA HOBLI, MAGADI ROAD,
BENGALURU - 562130

…RESPONDENTS

(BY SRI.FRANCIS XAVIER, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR A WRIT, ORDER OR DIRECTION IN THE NATURE THEREOF, QUASHING THE ORDER DATED 06.04.2026 PASSED BY THE CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT, IN CRI MISC. NO. 529/2026, GRANTING POSSESSION OF THE PETITIONERS MORTGAGED PROPERTY TO RESPONDENT NO. 1 UNDER SECTION 14 OF THE SARFAESI ACT, 2002.

THIS PETITION, COMING ON FOR ORDERS, 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:

"PRAYER

In the premises aforesaid, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

A. Issue a Writ of Certiorari or a writ, order or direction in the nature thereof, quashing the Order dated 06.04.2026 passed by the Chief Judicial Magistrate, Bengaluru Rural District, in Crl.Misc.No.529/2026, granting possession of the Petitioner's mortgaged property to Respondent No. 1 under Section 14 of the SARFAESI Act, 2002;

B. Issue a Writ of Mandamus or a direction in the nature thereof, directing Respondent No. 1 to restrict any enforcement action under the SARFAESI Act, 2002, to the security interest actually created for the defaulting loan account (Loan A/c No.661904936 - Insurance Premium Funding Loan), and to forthwith desist from invoking or enforcing the mortgage over the Schedule Property, which was created exclusively as security for the primary Home Loan Account No. 661349431;

C. Issue a Writ of Mandamus or a direction in the nature thereof, declaring the Symbolic Possession Notice dated 22.01.2026 (Annexure M) issued by Respondent No. 1 under Section 13(4) of the SARFAESI Act, 2002, to be illegal, without jurisdiction and of no effect, insofar as it purports to enforce the mortgage of the Schedule Property for recovery of dues under the Insurance Premium Funding Loan Account No. 661904936;

D. Award exemplary costs of this Writ Petition against Respondent
No. 1

E. Direct Respondent No. I to pay compensation to the Petitioner for the mental agony, harassment, and injury caused by the illegal and oppressive SARFAESI enforcement action, including:

a. Compensation of Rs. 5,00,000/- (Rupees Five Lakhs) for the mental agony, distress, and harassment suffered by the Petitioner - a working professional - on account

of the unlawful threat of dispossession from her sole residential home, in violation of her rights under Articles 14 and 21 of the Constitution of India;

b. Reimbursement of all legal costs, expenses and professional fees incurred by the Petitioner in defending this wrongful enforcement action, to be assessed by this Hon'ble Court;

F. Direct Respondent No. 3 to pay costs for its role as security enforcement agency in executing and carrying out the illegal enforcement action against the Petitioner, and restrain it from taking any further steps in furtherance of the Impugned Order or the Possession Notice dated 23.04.2026 pending disposal of this petition;

G. Pass such other and further orders, directions, or writs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, and in the interests of justice."

2. It is the case of the petitioner that the loan that she is going to recover under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (herein after referred to as 'SARFAESI Act') is in respect of an insurance policy. Hence, it is submitted that the respondent No.1/Bank has no authority to initiate the proceedings.

3. Learned counsel appearing for respondent No.1/Bank submits that the notice under Section 13(2) of the SARFAESI Act is issued on 30.10.2025 and the petitioner has not replied to the same and the Bank has proceeded with the further proceedings. It is submitted that if the petitioner is aggrieved

by any of the steps taken by respondent No.1/Bank, there is remedy available before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act and the petitioner cannot come before this Court when there is an effective alternative remedy.

4. In response to that, learned counsel for the petitioner submits that she has given a reply on 24.01.2026.

5. Having heard the learned counsels on either side, perused the entire material on record. It is the case of the petitioner that the particular amount is pertaining to an insurance policy and the Bank cannot initiate proceedings under the SARFAESI Act. The respondent No.1/Bank had issued notice under Section 13(2) of the SARFAESI Act on 30.10.2025. If the petitioner had any objections to that, she would have given a reply. The reply that is stated to be given on 24.01.2026 cannot be considered as a reply to the notice under Section 13(2) of the SARFAESI Act. As per the Act, the petitioner has to reply to the notice within a period of 60 days from the date of receipt of the same. In these circumstances, this Court cannot go into all these aspects. That apart, there is an effective alternative remedy available to the petitioner under Section 17

of the SARFAESI Act. Even on that count also, this Court cannot entertain this writ petition. Hence, this Court is passing the following:

ORDER

i. Accordingly, the writ petition is ***disposed of*** giving liberty to the petitioner to avail the appropriate remedy before the Debts Recovery Tribunal within a period of 30 days from the date of receipt of copy of this order, in accordance with law.

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

iii. All I.As. in this petition shall stand closed.

Sd/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 2 Sl No.: 1