HC-KAR

NC: 2026:KHC:46140
WP No. 21923 of 2024

CNR: KAHC010471162024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 21923 OF 2024 (GM-DRT)

BETWEEN:

MR SATHISH S K
S/O KRISHNAIAH
AGED ABOUT 40 YEARS
R/O NO 53/1, 4TH MAIN ROAD,
2ND CROSS, KOTTIGEPALYA,
BENGALURU - 560 091

…PETITIONER

(BY SRI. SHARATHKUMAR SHETTY, ADVOCATE)

AND:

UCO BANK
JAYANAGAR BRANCH
BRANCH OFFICE AT NO 238/35,
9TH MAIN ROAD, 3RD BLOCK,
JAYANAGAR BANGALORE - 560 111
REPRESENTED BY
THE AUTHORIZED OFFICER/MANAGER

…RESPONDENT

(BY SRI. PARASHURAM K.R., ADVOCATE)

Digitally signed by
PREMCHANDRA M R
Location: HIGH COURT
OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER PASSED IN CRL. MISC. NO.532/2018 PASSED BY THE HONBLE CJM, RURAL COURT AT BANGALORE, DATED 14.2.24 VIDE ANNEXURE-A ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court challenging the order dated 14.02.2024 passed by the C.J.M., Rural Court, Bangalore, in Crl.Misc.No.532/2018, by which the respondent/Bank was permitted to break open the lock of the secured asset and take physical possession thereof.

2. Though this case has a chequered history, for disposal of the present writ petition, there is no necessity to reiterate the facts pleaded in the writ petition.

3. It is the submission of the learned counsel for the petitioner that the respondent/Bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the 'SARFAESI Act') and obtained an order under Section 14 of the SARFAESI Act for taking possession of the secured asset. The said order was called

in question before the Debts Recovery Tribunal (for short, 'DRT') under Section 17 of the Act. The challenge to the order passed under Section 14 of the Act was negated, which resulted in the petitioner approaching this Court in W.P.No.4101/2024. In the said writ petition, this Court passed an interim order on 08.02.2024 to the effect that the petitioner would not be dispossessed, if not already dispossessed as on 08.02.2024.

4. It is submitted by the learned counsel for the petitioner that, despite this Court having passed an interim order of the nature stated above, in the presence of the learned counsel for the respondent/Bank, the respondent/Bank has ingeniously filed an application under Section 309 of the Cr.P.C. on 14.02.2024 in a disposed-of matter i.e. in Crl.Misc.No.532/2018, seeking further orders to break open the lock of the premises in which the secured asset is situated and take physical possession of the property. The approach of the respondent/Bank in filing an application in a disposed-of matter, that too in the

wake of the interim order passed on 08.02.2024 in W.P.No.4101/2024, is wholly an illegal act which is liable to be deprecated.

5. It is the submission of the learned counsel for the petitioner that W.P.No.4101/2024 was subsequently disposed of on 18.06.2024, relegating the petitioner to file an appeal before the DRAT challenging the order passed by the DRT. Pursuant to the liberty granted the petitioner has approached the DRAT and filed an appeal, in which an interim order is operating against the respondent/Bank.

6. It is submitted at the Bar that, pursuant to the initial order dated 13.01.2018 passed by the learned Magistrate under Section 14 of the Act in Crl.Misc.No. 532/2018, the secured asset was sold in public auction and the auction purchaser has filed an application for impleading in the present writ petition.

7. The only grievance sought to be made out by the learned counsel for the petitioner is that, during the

subsistence of the interim order dated 08.02.2024 in W.P.No.4101/2024, the respondent/Bank could not have approached the learned Magistrate and sought further orders in a disposed-of matter, without informing the petitioner herein and obtained an order to break open the lock of the premises in question and take physical possession. If the respondent/Bank is permitted to take physical possession of the property during the pendency of the appeal before the DRAT in RA No.1179/2024, the rights of the petitioner in the property in question would get jeopardised. Therefore, till the disposal of the appeal before the DRAT, the order dated 14.02.2024 in Crl.Misc.No.532/2018, which is impugned in this writ petition cannot be given effect to.

8. On the other hand, the learned counsel appearing for the respondent/Bank submits that, notwithstanding the order dated 14.02.2024 passed by the learned Magistrate, which is impugned herein, the respondent/Bank would not take steps to implement the

order dated 14.02.2024 till the disposal of the appeal filed by the petitioner herein before the DRAT.

9. In the light of the submission made on behalf of the respondent/Bank that the respondent/Bank would not take physical possession of the property pursuant to the impugned order, the apprehension expressed by the learned counsel for the petitioner would not survive for further adjudication. No further consideration of the matter is necessary.

10. In the result, the following:

ORDER

i. The writ petition is ***disposed of,*** directing the respondent/Bank not to execute/implement the order dated 14.02.2024, which is impugned in the present writ petition, till the disposal of the appeal in R.A.No.1179/2024 pending before the DRAT, Chennai.

ii. All the contentions urged in this writ petition are kept open to be urged and decided by the DRAT in accordance with law.

iii. In the light of the disposal of the main writ petition, no orders are required to be passed on the application for impleading.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

SMC
List No.: 1 Sl No.: 14