HC-KAR
NC: 2026:KHC:65383
WP No. 30305 of 2026
CNR: KAHC010660742026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 30305 OF 2026 (GM-DRT)

BETWEEN:

1. MR. AHMED SHABEER KHAN
S/O. AHMED KHAN,
AGED ABOUT 65 YEARS,
RESIDING AT APARTMENT NO.23D,
23RD FLOOR, BUILDING NAMED
ATRIA AQUILA HEIGHTS COMPLEX,
PRESENT MUNICIPAL NO.27/337,
OLD NO.23D, HMT FACTORY,
MAIN ROAD, BENGALURU - 560013.

...PETITIONER

(BY SMT. KAVITHA N.,ADVOCATE)

AND:

1. UNION OF INDIA
PEENYA BRANCH (07632),
D.NO.488/B, GROUND FLOOR,
KIADB COMPLEX, PEENYA INDUSTRIAL
ESTATE, IV PHASE,
BENGALURU - 560058,
REPRESENTED BY ITS AUTHORISED
OFFICER/CHIEF MANAGER

...RESPONDENT

(BY SMT. DIVYA PURANDAR (VK NOT FILED))

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE POSSESSION NOTICE DATED 07.09.2026 ISSUED BY THE RESPONDENT BANK UNDER SECTION

13(4) READ WITH RULE 8(1) OF THE SECURITY INTEREST (ENFORCEMENT) RULES, 2002, PRODUCED AS ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present petition is filed seeking for the following reliefs:

> *"a) issue a writ of certiorari or any other appropriate writ, order or direction quashing the Possession Notice dated 07.09.2026 issued by the Respondent Bank under Section 13(4) read with Rule 8(1) of the Security Interest (Enforcement) Rules, 2002, produced as ANNEXURE-C;*
>
> *b) Declare that the failure of the Respondent Bank to consider and communicate its decision on the Petitioner' representation dated 25.08.2026 under Section 13(3A) of the SARFAESI Act is contrary to law;*
>
> *c) Direct the Respondent Bank to consider and dispose of the Petitioner representation dated 25.08.2026 in accordance with Section 13(3A) of the SARFAESI Act and Rule 3A of the Security Interest (Enforcement) Rules, 2002 by passing a reasoned decision;*
>
> *d) direct the Respondent Bank to furnish a complete and updated statement of the Petitioner' loan account, including principal, interest, penal interest, charges, payments received and the amount required for regularisation;*
>
> *e) Permit the Petitioner reasonable time to clear the overdue EMI/installment amounts and regularise the loan account and to continue payment of the monthly EMIS regularly thereafter, subject to such terms and conditions as this Hon'ble Court may deem fit;*

Digitally signed by Justice
CHEPPUDIRA MONNAPPA POONACHA
25/11/2026 13:33

f) restrain the Respondent Bank, its officers, agents, representatives or any person claiming through it from taking physical possession of, dispossessing the Petitioner from, or creating third-party rights in respect of the Schedule "B" residential property pursuant to the Possession Notice dated 07.09.2026, pending consideration of the Petitioner' representation and/or pending disposal of the proceedings;

g) Grant such other reliefs as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interests of justice and equity; and

h) Award costs of the Petition."

2. It is forthcoming that the petitioner seeks to impugn the possession notice dated 07.09.2026 (Annexure - C to the writ petition). The said possession notice is issued consequent to the Demand Notice dated 30.06.2026 (Annexure-A to the writ petition) issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002[1].

3. Learned counsel for the respondent - Bank has filed a memo placing on record that the Demand Notice

[1] Hereinafter referred to as the 'Act'.

Digitally signed by Justice
CHEPPUDIRA MONNAPPA POONACHA
25/11/2026 13:33

dated 30.06.2026 has been cancelled and a fresh Demand Notice dated 18.09.2026 under Section 13(3) of the Act has been issued. It is mentioned under the said Demand Notice dated 18.09.2026 that all subsequent notices that has been issued consequent to the Demand Notice dated 30.06.2026 are cancelled.

4. In view of the aforementioned, no further orders is required to be passed in the present writ petition. Accordingly, the present writ petition is dismissed.

5. The contentions of both parties are kept open to be adjudicated in appropriate proceedings.

6. Pending IAs., if any, stand disposed of.

Digitally signed by Justice
CHEPPUDIRA MONNAPPA POONACHA
25/11/2026 13:33

(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 50