NC: 2026:KHC:20950
WP No. 27844 of 2023

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. 27844 OF 2023 (GM-DRT)

BETWEEN:

K CHANDRASHEKAR,
S/O (LATE) KARIYAPPA,
AGED ABOUT 34 YEARS,
RESIDING AT NO 81/143/A,
DODDA ARADINKARE VILLAGE,
CHIKKA ARASINAKERE HOBLI,
MADDUR TALUK, MANDYA - 571 422.

…PETITIONER

(BY SRI. V B RAVISHANKER.,ADVOCATE)

AND:

BANDHAN BANK LTD.,
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF COMPANIES ACT 2013,
AND CARRYING ITS BANKING BUSINESS UNDER
THE PROVISIONS OF THE BANKING
REGULATIONS ACT 1949
HAVING ITS REGIONAL OFFICE AT
NETAJI MARG, NEAR MITHAKHALI SIX ROAD,
ELLISBRIDGE, AHMEDABAD 380 006.
INTER ALIA BRANCH AT MANDYA BRANCH
NO 1695/A, 1ST FLOOR, RAJENDRA PRASAD ROAD,
SUBHAS NAGAR, MANDYA – 571 401.
REPRESENTED BY ITS AUTHORIZED OFFICER,
N ASHOK KUMAR S/O NAGARAJU.

…RESPONDENT

(BY SRI. B S MAHENDRA.,ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT THE ENTIRE ACTION INITIATED UNDER THE PROVISIONS OF THE SARFAESI ACT IS ILLEGAL AS THE SAME IS INITIATED WITHOUT FOLLOWING THE MANDATORY PROVISIONS AND TO QUASH THE ORDER DATED 21.10.2023 PASSED BY THE SENIOR CIVIL JUDGE AND CJM MANDYA IN CRI MIS NO. 276/2023 VIDE ANNX-A SO FAR AS PETITIONER CONCERN AND QUASH THE POSSESSION NOTICE DATED 04.12.2023 ISSUED BY THE RESPONDENT BANK IN EXERCISE OF POWERS UNDER PROVISIONS OF SARFAESI ACT ANNEXURE-B.

THIS 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:

> ***"(a) To declare that the entire action initiated under the provisions of the SARFAESI Act is illegal as the same is initiated without following the mandatory provisions.***
>
> ***(b) To Quash order dated 21.10.2023 passed by the Senior Civil Judge and CJM, Mandya in Cri.Mis.No.276/2023 vide Annexure A. So for as petitioner Concern***
>
> ***12 Consequently quash the possession notice dated 04/12/2023 issued by Respondent Bank in exercise of powers under provisions of SARFAESI Act. Annexure-B***
>
> ***(d) To grant such other relief as the Hon'ble Court deems fit to grant in the facts and circumstances of the case."***

2. The petitioner has an alternative remedy before the Debt Recovery Tribunal. In that view of the matter, 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 DRT.

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

iii. As the petitioner has the benefit of the interim order, the same shall continue for a period of four weeks.

iv. All pending I.As., if any, in the writ petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS