HC-KAR
NC: 2026:KHC:61174
WP No. 33832 of 2026
CNR: KAHC010748072026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 33832 OF 2026 (GM-DRT)

BETWEEN:

SRI. GOPI,
S/O. SRI DORESWAMY ACHARI,
AGED ABOUT 65 YEARS,
RESIDING AT NO.62/A,
2ND CROSS, 3RD MAIN,
BRINDAVAN NAGAR, TAVEREKERE,
BENGALURU SOUTH,
BENGALURU - 560 029.

...PETITIONER

(BY SRI. MADHUSOODHANA P N., ADVOCATE)

AND:

1. SRI. V. SHYAM KUMAR,
   S/O. SRI. V. HARISH,
   AGED ABOUT 24 YEARS,
   RESIDING AT NO.364,
   RAMA TEMPLE STREET,
   NEAR RAMA TEMPLE,
   NEW THIPPASANDRA,
   BENGALURU NORTH,
   BENGALURU - 560 075.

2. SRI. V. HARISH,
   S/O. SRI V. ARUNAGIRI ACHARYA,
   AGED ABOUT 47 YEARS,
   PROPRIETOR OF M/S. VINAYAKA HANDICRAFTS,
   RESIDING AT NO.364,
   BOOMI REDDY LAYOUT,
   4TH 'A' CROSS,

BEHIND AYYAPPA TEMPLE,
NEW THIPPASANDRA,
BENGALURU - 560 075.

3. THE AUTHORISED OFFICER,
INDIAN BANK,
(STRESSED ASSETS MANAGEMENT BRANCH),
NO.10, FIRST FLOOR,
INDIAN BANK BUILDING, K.G. ROAD,
BENGALURU - 560 009.

…RESPONDENTS

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

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING RESPONDENT NO.3 TO RESTRAIN FROM DISPOSSESSING THE PETITIONER FROM THE SCHEDULE PROPERTY IN PURSUANCE OF THE ORDER DATED 06.10.2023 PASSED BY THE LEARNED CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL, IN CRL.MISC.NO.282/2023 UNDER SECTION 14 OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 (ACT NO. 54 OF 2002), VIDE ANNEXURE-D, SAVE AND EXCEPT IN ACCORDANCE WITH LAW AND ETC.,

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

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

ORAL ORDER

The present writ petition is filed seeking the following reliefs:

a) Issue a writ of mandamus, or any other appropriate writ, order or direction, directing Respondent No.3 to restrain from dispossessing the Petitioner from

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the Schedule Property in pursuance of the order dated 06.10.2023 passed by the learned Chief Judicial Magistrate, Bengaluru, in Crl.Misc.No.282/2023 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act No.54 of 2002), vide ANNEXURE-D, save and except in accordance with law; and

b) Grant such other writ, order or direction as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.

2. The petitioner assails the order dated 06.10.2023 passed in Crl.Misc.No.282/2023 (Annexure D to the writ petition) passed by the Court of Chief Judicial Magistrate, Bengaluru. The said order is passed consequent to an application filed by respondent No.3-Bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.[1]

3. The petitioner claims to be a lessee of the premises in question under the lease agreement dated 15.05.2026 (Annexure-A to the writ petition).

[1] Hereinafter referred to as 'SARFAESI Act'

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4. It is the contention of the learned counsel for the petitioner that the petitioner is a small scale industry and since there are nearly 30 personnel who are working in the premises and the machineries are to be removed, request is made on the behalf of the petitioner that the premises would be vacated within 3 months.

5. The learned counsel for the respondent No. 3 vehemently opposes consideration of the present writ petition. It is submitted that the amount due and payable by the respondent No.2 is in excess of Rs.4,50,00,000/-.

6. It is further submitted that the account of the respondent No.2 has been classified as a Non-Performing Asset (NPA) on 30.04.2021. It is further submitted that respondent No.2 is the borrower who has gifted the property in question in favour of the first respondent who is the son on 15.12.2023 subsequent to measures initiated by respondent No. 3 under the provisions of the SARFAESI Act. 2002.

7. Learned counsel for the third respondent further points out that in the lease agreement dated 15.05.2026, the

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lease amount is shown as Rs.45,00,000/-. However, large amounts are shown as having been paid in cash.

8. Although, it is the vehement contention on behalf of the petitioner that the lease agreement in question is a registered document, in view of the admitted fact that the lease has been executed by the first respondent who is the son of the second respondent who is the borrower and that the second respondent has transferred the property in question consequent to measures having been initiated under the SARFAESI Act; as also having regard to the fact that adequate remedies are available to the petitioner under the provisions of the said Act, the question of entertaining the present petition in exercise of the extraordinary discretionary jurisdiction of this Court under Article 226 of the Constitution of India does not arise.

9. At this stage, learned counsel for the respondent No.3-Bank submits that more than 10 writ petitions have been filed on behalf of respondents No.1 and 2, out of which 4 have been dismissed and the remaining have not been moved before this Court. It is submitted that the process of this Court is

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being misused to frustrate the measures taken by the third respondent-Bank under the provisions of the SARFAESI Act.

10. Although it is the vehement contention of the learned counsel for respondent No. 3 that the process of this Court is being misused, since the present petition is filed by a lessee, imposition of cost is kept in abeyance.

11. Accordingly, the writ petition stands dismissed.

12. This order will not preclude the petitioner from availing remedies as permissible in law

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(C.M. POONACHA)
JUDGE

HR
List No.: 1 Sl No.: 8