HC-KAR

NC: 2026:KHC:55439
WP No. 17165 of 2022

CNR: KAHC010390642022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 17165 OF 2022 (GM-DRT)

BETWEEN:

1. M/S VINAYAKA HANDICRAFTS
   REP. BY A SOLE PROPRIETOR
   MR. V.HARISH
   S/O ARUNAGIRI ACHAR
   AGED ABOUT 39 YEARS
   R/AT NO.11, MARUTHI LAYOUT
   MARUGUNDANAHALLI
   ANANDAPURA
   BENGALURU - 560 036.

2. MR. HARISH
   S/O ARUNAGIRI ACHAR
   AGED ABOUT 39 YEARS
   PROP. M/S VINAYAKA HANDICRAFTS

3. MRS. V.POORNIMA
   W/O V.HARISH

   BOTH ARE RESIDING AT
   NO.364, BOOMI REDDY LAYOUT
   4TH A CROSS
   AYYAPPA TEMPLE BACKSIDE
   NEW TIPPASANDRA.

…PETITIONERS

(BY SRI. DHANANJAY B.C., ADVOCATE)

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SACHIN SHANKAR MAGADUM
Verified

AND:

1. AUTHORISED OFFICER
   THE INDIAN BANK
   ASSETS MANAGEMENT BRANCH
   NO.10, 1ST FLOOR
   INDIAN BANK BUILDINGS
   K.G.ROAD, BENGALURU - 560 009.

2. THE REGIONAL DIRECTOR
   FOR KARNATAKA
   RESERVE BANK OF INDIA
   10/3/8, NRUPATHUNGA ROAD
   POST BAG NO.5467
   BENGALURU - 560 001.

…RESPONDENTS

(BY SRI. NAIK ASHOK KASHINATH, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE OF INTENDED SALE DATED 01.08.2022 ISSUED BY THE RESPONDENT BANK VIDE ANNEXRUE-A UNDER RULE 6(2) AND 8(6) OF THE SECURITY INTEREST (ENFORCEMENT RULES) 2002 UNDER THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT 2002 IS EXCESSIVE, ILLEGAL AND UNSUSTAINABLE AND SET ASIDE BY ISSUING THE WRIT IN THE NATURE OF CERTIORARI AND ETC.

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

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SACHIN SHANKAR MAGADUM
Verified

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioners who are the defaulters have filed this petition questioning the sale notice issued under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act'). This Court vide order dated 01.09.2022 has granted the interim order subject to petitioners making 30% of the amount due.

2. Petitioner no.1, who is personally present before this Court submits that substantial payment is made and petitioners are now only required to make good the penalty imposed by the respondent-Bank and seeks short accommodation to make the payment. He is not assisted by the counsel.

3. Learned counsel appearing for the respondent-bank is not present before this Court.

4. Be that as it may, since petitioners are questioning the sale notice issued by invoking the provisions of the

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SARFAESI Act, this Court is of the view that this petition is not maintainable. Records also reveal that compliance of the order dated 01.09.2022 is not reported by filing requisite documents.

5. Writ petition is liable to be dismissed. Accordingly, it is ***dismissed***.

6. In the event respondent-Bank is of the opinion that the entire loan amount is not cleared by the petitioners herein, liberty is reserved to the Bank to proceed from the stage it was stalled by this Court.

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SACHIN SHANKAR MAGADUM
Verified

(SACHIN SHANKAR MAGADUM)
JUDGE

PGG
List No.: 1 Sl No.: 10