HC-KAR

NC: 2026:KHC:55016
WP No. 23198 of 2022

CNR: KAHC010533342022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 23198 OF 2022 (GM-DRT)

BETWEEN:

1. SRI ANAND .K.S
   S/O SRINIVAS .M
   AGED ABOUT 43 YEAWRS
   R/AT NO.977, JAYALAKSHMI VILAS ROAD,
   CHAMARAJAPURAM, LAKSHMIPURAM
   MYSURU 570 004.

...PETITIONER

(BY SRI. B.S. SHRINIVAS, ADVOCATE)

AND:

1. KURUHINASETTY SOUHARDA CREDIT
   CO OPERATIVE LTD
   REG. UNDER CO-OPERATIVE SOCIETIES ACT
   NO.731, 2ND FLOOR,
   SRI GURUKURPA COMPLES
   7TH MAIN, 7TH PHASE,
   J P NAGAR, RBI COLONY
   BENGALURU 560 078
   REPRESENTED BY ITS DIRECTOR
   C.P KUMAR

...RESPONDENT

(SERVED)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED UNDATED PUBLIC AUCTION NOTICE PRODUCED AT ANNEXURE-A HEREIN WHICH IS TO BE HELD ON 11.04.2022; AND ETC.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner, a default borrower, has questioned a public auction conducted by the respondent – Bank invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "the SARFAESI ACT").

2. The Hon'ble Apex Court has consistently held that the actions contemplated by the Secured Creditor under the provisions of SARFAESI Act are not amenable to writ judicial. However, the sale notice is stayed by this Court vide order dated 06.02.2023.

3. Though petitioner/borrower had the benefit of interim order since 2023, no efforts were made to repay the amount.

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4. It is now well settled by catena of decisions of the Hon'ble Apex Court, consistently followed by this Court, that measures initiated by a secured creditor under the provisions of the SARFAESI Act are not ordinarily amenable to the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, particularly when a statute provides an efficacious alternative remedy before the jurisdictional Debts Recovery Tribunal. The Hon'ble Apex Court has repeatedly cautioned the High Courts against entertaining writ petitions in matters arising under the SARFAESI Act except in exceptional circumstances. The present case does not disclose any such exceptional ground warranting interference under Article 226 of the Constitution of India.

5. In view of the availability of an efficacious statutory remedy and the settled principles governing the exercise of writ jurisdiction in matters arising under the SARFAESI Act, this writ petition is liable to be dismissed.

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Accordingly, the writ petition is ***dismissed***.

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SACHIN SHANKAR MAGADUM
Verified

(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 12