HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 6915 OF 2024 (GM-DRT)

BETWEEN:

1. MR. CHANDRA,
S/O. VENKATASWAMY,
AGED ABOUT 26 YEARS,
R/AT NANDINATHAPURA VILLAGE,
BIDARAHALLI POST,
H.D.KOTE TALUK,
MYSURU TALUK-571116.

2. SRI. SURYA,
S/O. VENKATASWAMY,
AGED ABOUT 24 YEARS,
R/AT NANDINATHAPURA VILLAGE,
BIDARAHALLI POST,
H.D.KOTE TALUK,
MYSURU TALUK-571116.

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

3. MRS. PREMA,
W/O. VENKATASWAMY,
AGED ABOUT 45 YEARS,
R/AT NANDINATHAPURA VILLAGE,
BIDARAHALLI POST,
H.D.KOTE TALUK,
MYSURU TALUK-571116.

...PETITIONERS

(BY SMT. SWATHI MANJUNATH, ADVOCATE - ABSENT)

AND:

M/S. EQUITAS SMALL FINANCE BANK LTD.,
REGISTERED OFFICE AT

4TH FLOOR, PHASE-II,
SPENCER PLAZA, 769,
ANNASALAI,
CHENNAI - 600 002.

AREA OFFICE AT:
NO.3/5, JAVARAPPA COMPLEX,
S.NO.43/3, MUNESHWARANAGAR,
ULLAL MAIN ROAD, MALLATHAHALLI,
BENGALURU - 560 056.

REPRESENTED BY ITS
AUTHORIZED OFFICER
MR. CHANDANKUMAR M.G.,
S/O. GURLINGAPPA,
AGED ABOUT 28 YEARS,
LEGAL RECEIVABLE MANAGER

…RESPONDENT

(BY SMT. S.VEENA, ADVOCATE FOR
SRI. VIJAY S.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Though matter called twice, there is no representation on behalf of the petitioners, either personally or through video conferencing.

Smt.S.Veena., counsel on behalf of Sri.Vijay.S., for the respondent has appeared in person.

2. This petition is filed seeking following reliefs:

(a) Issue a Writ of Certiorari to quash the Impugned order dated 29.12.2023 passed by the Court of III Addl. Senior Civil Judge and CJM, Mysuru in Crl.Misc.No.247/2023 vide Annexure-A.

(b) Direct the jurisdictional Police not to interfere with the proceedings under Section 14 of SARFESI Act, till the disposal of this Writ Petition.

(c) Issue such other further orders or direction, the Hon'ble Court deems fit to grant in the facts and circumstances of the case in the interest of justice and equity.

3. Heard the arguments and perused the papers with care.

4. Suffice it to note that the respondent - M/s.Equitas Small Finance Bank Ltd. had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.247/2023 and the Court vide order dated:29.12.2023 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate

remedy of filing an appeal before the DRT. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.

It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of ***UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS*** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the Banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their

discretion in such matters with great caution, care and circumspection. Hence, I decline to exercise power under writ jurisdiction. Accordingly, the writ petition is ***dismissed***.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 1 Sl No.: 49