



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 2339 OF 2022 (GM-DRT)

BETWEEN:

1. MRS LAKSHMI DEVI
AGED ABOUT 42 YEARS
D/O M MUNIYAPPA
W/O NARASIMHA BABU
RESIDING AT FLAT NO.F4 AND F5,
'D' BLOCK, HIMAGIRI CASTLE
GREEN FOREST
SILVER OAK STREET
1ST CROSS 1ST MAIN
J P NAGAR 7TH PHASE
BENGALURU-78.
2. MRS M KAVITHA
AGED ABOUT 38 YEARS
D/O M MUNIYAPPA
3. MR M AJITH
AGED ABOUT 37 YEARS
S/O M MUNIYAPPA
4. MISS M ANU
AGED ABOUT 29 YEARS
D/O M MUNIYAPPA

PETITIONERS NO.2 TO 4 ARE
RESIDING AT FLAT NO.T4



HIMAGIRI CASTLE
19TH CROSS 20TH MAIN
SMS LAYOUT
J P NAGAR 5TH PHASE
BENGALURU-78.

...PETITIONERS

(BY SRI. VIJAYA KUMAR R., ADVOCATE)

AND:

1. THE ASSISTANT GENERAL MANAGER
ZONAL STRESSED ASSETS RECOVERY BRANCH
BANK OF BARODA
TRINITY CIRCLE
BENGALURU-01.
2. MR M RAJA
AGED ABOUT 40 YEARS
S/O LATE MUNIYALLAPPA
RESIDING AT NO.36, 12TH CROSS
17TH MAIN, SARAKKI AGRAHARA
J.P. NAGAR 2ND PHASE
BENGALURU - 78.

...RESPONDENTS

(BY SRI. FRANCIS XAVIER, ADVOCATE FOR C/R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 01.01.2022 PASSED IN CRL.MISC.NO.5137/2021 PASSED BY THE 44TH CHIEF METROPOLITAN MAGISTRATE BENGALURU CITY UNDER SECTION 13(3) DIRECT THE R-1 TO TAKE POSSESSION OF THE PROPERTY OF THE PETITIONERS AS PER ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR ORDERS, 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 prayers:

"1) Issue a Writ of certiorari quashing the orders dt:01/01/2022 passed in Crl.Misc.No.5137/2021 passed by the 44th Chief Metropolitan Magistrate, Bengaluru city under Section 13(4) directing the 1st respondent to take possession of the property of the petitioners as per "ANNEXURE-A".

(ii) Issue a writ of mandamus directing the 1st respondent in anyway creating any lien, charge or whatsoever over the aforesaid flats which are shown in the schedule under the guise of the loan sanctioned to M/s.J.P.Distributors.

(iii) Issue any other writ or direction or any relief that this Hon'ble Court deems fit to grant in the facts and circumstances of the case including the /order as to costs;"

2. The writ petition was filed in the year 2022. The matter came up before the Court only on 18.04.2022 and



06.06.2022, there was no representation on behalf of the petitioners. Hence, the matter was directed to be listed today under the caption for 'dismissal'.

3. Today also, there is no representation on behalf of the petitioners. The impugned order passed by the Magistrate under Section 14 of the SARFAESI Act and the present writ petition is not maintainable before this Court. It appears that the petitioners are not interested in pursue the matter.

4. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is
dismissed for non-prosecution.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

SMC
List No.: 1 Sl No.: 5