



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO.6735 OF 2026 (GM-RES)

BETWEEN:

1. SMT.PARVATHAMMA
W/O LATE PAPAIAH,
AGED ABOUT 79 YEARS
R/AT NO.52, 2ND MAIN, GOKULAM III STAGE,
NANDAGOKULA, SOUTH OF KUMBARKOPPAL
MYSORE - 560 002
2. SMT. P. USHA,
W/O. PRASAD,
AGED ABOUT 43 YEARS
PRESENTLY RESIDING AT NO.5204,
2ND FLOOR, 5TH BLOCK,
ANRIYA DWELLINGTON APARTMENT,
RMV II STAGE, DOLLARS COLONY,
BENGALURU - 560 094 ... PETITIONERS

(BY SRI.NITYANAND V NAIK, ADVOCATE)

AND:

1. SRI KANYAKAPARAMESHWARI
CO-OPERATIVE BANK LTD.,
K. R. CIRCLE, MYSURU - 570001
REPRESENTED BY ITS MANAGER
2. THE AUTHORIZED OFFICER,
SRI KANYAKAPARAMESHWARI





CO-OPERATIVE BANK LTD.,
K. R. CIRCLE, MYSURU - 570001

3. MR. B.R NAGESH,
S/O SRI B.S RANGANATHA SETTY,
AGED ABOUT 49 YEARS,
R/AT NO 63, 2ND MAIN,
1ST CROSS, 4TH STAGE,
T.K LAYOUT, MYSORE - 570 009
4. THE DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE,
MYSORE - 570 001

...RESPONDENTS

(BY SRI.B.S. MAHENDRA, ADVOCATE FOR R1 AND R2;
SRI.B. RAVINDRANATH, AGA FOR R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT IN THE NATURE OF MANDAMUS RESTRAINING THE RESPONDENT BANK AND ITS OFFICIALS, AGENTS, HENCHMEN FROM INTERFERING WITH PETITIONERS' POSSESSION OVER THE SCHEDULE RESIDENTIAL HOUSE PROPERTY AND INFRINGING THE RIGHT TO LIFE AND LIBERTY GUARANTEED TO THE PETITIONER UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA AND TO RESTORE THE ITEMS FORCEFULLY TAKEN BY THE RESPONDENT BANK ON 24.02.2026.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



ORAL ORDER

The petitioners have defaulted in repayment of a loan availed from the respondents and that has led to multiple rounds of litigation. The petitioners, one of whom is aged 79 years, seeks this Court's direction to restrain the respondents from dispossessing them from the subject property [*a residential property*] and to restore the possession of the movables allegedly taken on 24.02.2026.

2. Mr. Nityanand V. Naik, the learned counsel for the petitioners, submits that the present petition is limited to the petitioners' apprehension that the respondents, notwithstanding their circumstances, will dispossess the petitioners; and in elaboration, the learned counsel submits that with the disposal of the petitioners' recent petition in W.P.No.28575/2024, it would be open to the petitioners to challenge the sale certificate issued by the respondents to the purchaser and that the



petitioners will, if some protection is extended by this Court, avail that remedy and pursue for orders for protection of their possession of the subject property.

3. Mr. B. S. Mahendra, the learned counsel for the first and second respondents, submits that any indulgence by this Court, even if it is for a short period, would be notwithstanding the protracted proceedings by the petitioners to frustrate the recourse available to the respondents under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, '*the SARFAESI Act*'] to liquidate a secured asset [*the subject proceedings*] in view of the default. The learned counsel seeks to elaborate on the earlier proceedings, including this Court's order in W.P.No.2298/2024.

4. When queried, Mr. B. S. Mahendra submits that the petitioners cannot dispute that they



are in possession of the ground floor in the subject property and that the first respondent [*the Bank*] has possession of the first floor [*an assertion which remains uncontroverted*]. The question for consideration lies within a very narrow canvas *viz.*, whether this Court, if the petitioners could avail their remedy under the SARFAESI Act, should dispose of the petition without any protection even for a short and reasonable period.

5. This Court is not called upon to decide on whether the petitioners could have recourse to the provisions under the SARFAESI Act as that should also be examined by the Debt Recovery Tribunal [*the Tribunal*] if the petitioners avail such remedy. On a careful consideration [including circumstances such as the first petitioner is 79 years old, and she complains of ill health], this Court is persuaded to direct the respondents to hold their hands for seven [7] days from today observing that if there is to be



any continuation in the protection upon the petitioners invoking remedy under the SARFAESI Act, that should be considered by the Tribunal independent of the protection that is now extended by this Court.

The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB