



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 7552 OF 2026 (GM-DRT)

BETWEEN:

SRI SHIVAKUMAR S.C.,
S/O. LATE CHANNAPPA,
AGED ABOUT 52 YEARS,
R/AT SHANABINAGUNDI,
DEVANUR GRAM PANCHAYATH,
SAKKAREPATTANA HOBLI,
KADUR TALUK,
CHIKKAMAGALURU – 577 175

...PETITIONER

(BY SRI. SOMASHEKHARAIHAH R.P., ADVOCATE)

AND:

1. EQUITAS SMALL FINANCE BANK LTD.,
(PREVIOUSLY KNOWN AS EQUITAS
FINANCE LIMITED)
NEAR KARIYAMMA TEMPLE,
CHIKKAMAGALURU -577 175
REPRESENTED BY ITS
AUTHORIZED OFFICER



2. EQUITAS SMALL FINANCE BANK LTD.,
(PREVIOUSLY KNOWN AS EQUITAS
FINANCE LIMITED)
4TH FLOOR, PHASE II,
SPENCER PLAZA, NO.769,
MOUNT ROAD, ANNA SALAI,
CHENNAI,
TAMIL NADU STATE-600 002
REP. BY ITS AUTHORISED OFFICER

3. HDFC LIFE INSURANCE
FIRST FLOOR, SURYA OPUS BUILDING,
INDIRAGANDHI ROAD,
OPP. CANARA BANK,
JYOTHI NAGAR,
CHIKKAMAGALURU – 577 101
REP. BY ITS AUTHORISED OFFICER

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE PUBLIC
AUCTION NOTICE DATED 13.02.2026 CONDUCTING PUBLIC
AUCTION ON 24.03.2026 IN RESPECT OF THE HOUSE
PROPERTY AND TO QUASH THE SUBSEQUENT PROCEEDINGS
AS PER ANNEXURE-E.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, 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 prayer:

"Wherefore for the reasons stated above, this Hon'ble Court may be pleased to:

i) Issue writ in the nature of certiorari and quash the public auction notice dated 13.02.2026, conducting public auction on 24.03.2026, in respect of the house property and to quash the subsequent proceedings as per Annexure-E.

ii) Issue direction to the respondent-Bank to permit the petitioner to clear the Principal amount along with simple interest or in the alternate to re-schedule the loan account.

iii) Issue such other order or direction as may be deemed fit to grant in the facts and circumstances of the case."

2. In the light of the judgment passed by the Hon'ble Apex Court in Civil Appeal Nos.257-259/2022 between **Phoenix ARC Private Limited Vs. Vishwa Bharathi Vidya Mandir and others** arising out of WP.Nos.35564-35566/2015 dated 27.03.2018, the present writ petition is not maintainable



against Equitas Small Finance Bank Ltd, which is a finance Bank.

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

ORDER

- i. Accordingly, the writ petition is ***disposed of*** giving liberty to the petitioner to avail the appropriate remedy.
- ii. The petitioner shall have the benefit of Section 14 of the Limitation Act.
- iii. All pending I.As., in the writ petition shall stand closed.

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

PKN
List No.: 1 Sl No.: 24