



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. 7300 OF 2025 (GM-DRT)

BETWEEN:

1. SRI. HULIMUTHAIAH D
S/O. LATE DASALAH,
AGED ABOUT 49 YEARS,
2. SMT. GANGAMMA
W/O. HULIMUTHALAH D.
AGED ABOUT 38 YEARS,

BOTH ARE R/AT NO.97,
GROUND FLOOR,
6TH MAIN, 8TH CROSS,
PILLAPPA BLOCK,
NEAR GANGAMMA TEMPLE,
GANGANAGAR,
BANGALORE - 560 032.

...PETITIONERS

(BY SRI. MOHAMMED MUJASSIM, ADVOCATE (VC))



AND:

1. TATA CAPITAL HOUSING FINANCE LTD.,
(A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956 AND
REGISTERED WITH THE RESERVE BANK OF INDIA,
A NON-BANKING FINANCIAL COMPANY
HAVING REGISTERED OFFICE AT
11TH FLOOR, TOWER A,
GANAPATH RAO KADAM MARG,
PENINSULA BUSINESS PARK,
LOWER PAREL, MUMBAI-400 013

BRANCH OFFICE AT 2ND FLOOR,
PRESTIGE CORNICHE,
NO.62, RICHMOND ROAD,
BENGALURU - 560 025.

REPRESENTED ITS AUTHORIZED OFFICER

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE
ORDER DTD 05.02.2025 AT ANNEX-A PASSED BY LD. CHIEF
JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT,
BENGALURU IN CRL. MISC. 7/2025 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:

" (I) Issue a writ/order/direction in the nature of certiorari to Quash the Order dated 05.02.2025, at ANNEXURE-A passed by Ld. Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru in Cri. Misc.7/2025.

(II) Pass such other Order that this Hon'ble Court deems fit in the facts and circumstances of the case."

2. The writ petition is of the year 2025. The writ petition is filed against the Tata Capital Housing Finance Ltd.,, which is a private financial company. In the light of the law laid down by the Hon'ble Supreme Court in ***Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir & Others,*** in ***Civil Appeal Nos.257-259 of 2022,*** a writ petition against the private financial institution is not maintainable.



3. Hence, the writ petition is liable to be dismissed as not maintainable. 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 Limitation Act.
- iii. Pending IAs., if any, shall stand closed.

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

SMC
List No.: 1 Sl No.: 12