



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 8808 OF 2023 (GM-RES)

BETWEEN:

1. SMT HEMA V JAYARAMA REDDY
W/O LATE V JAYARAMA REDDY
AGED ABOUT 42 YEARS,
R/AT NO 118, OLD NO 51,
1ST MAIN ROAD,
NAGARABHAVI MAIN ROAD,
NEAR MARUTHINGARA BUS STOP,
BENGALURU – 560 072
2. MS RUTHIKA J H
D/O LATE V JAYARAMA REDDY
AGED ABOUT 20 YEARS,
R/AT NO 118, OLD NO 51,
1ST MAIN ROAD,
NAGARABHAVI MAIN ROAD,
NEAR MARUTHINGARA BUS STOP,
BENGALURU – 560 072
3. MISS ANWITHA J H
D/O LATE V JAYARAMA REDDY
AGED ABOUT 10 YEARS,
SINCE MINOR
REP BY NEXT FRIEND AND
NATURAL GUARDIAN HER MOTHER HEMA V
JAYARAMA REDDY,
R/AT NO 118, OLD NO 51,
1ST MAIN ROAD,
NAGARABHAVI MAIN ROAD,
NEAR MARUTHINGARA BUS STOP,





BENGALURU – 560 072

...PETITIONERS

(BY SRI. NARAYANA BHAT M.,ADVOCATE)

AND:

1. CANARA BANK
REP BY ITS CHAIRMAN
AND MANAGING DIRECTOR
HEAD OFFICE J C ROAD,
BENGALURU – 560 002
2. CANARA BANK
V V PURAM BRANCH,
REP BY ITS CHIEF MANAGER,
DIAGONAL ROAD, SAJJANRAO CIRCLE,
V V PURAM,
BENGALURU – 560 004

...RESPONDENTS

(BY SRI. T P MUTHANNA.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS FROM THE FILE OF THE R-2 PERTAINING TO THE CASE OF THE PETITIONERS AND GRANT THEM THE FOLLOWING RELIEFS. QUASHING THE IMPUGNED NOTICE BEARING NO. NIL DTD 05.04.2023 ISSUED BY THE AUTHORIZED OFFICER OF THE R-2 U/S 13(12) OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT 2002(ACT 54 OF 2002) R/W RULE 3 OF THE SECURITY INTEREST (ENFORCEMENT) RULES 2002 PRODUCED AT ANNEX-Q AS ILLEGAL MALAFIDE AND SAME IS VIOLATIVE OF ARTICLE 14,19 AND 21 OF THE CONSTITUTION OF INDIA AND ETC.,

THIS PETITION, COMING ON FOR FINAL 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:

- a) Issue a writ of Certiorari or any other appropriate writ or order or direction, quashing the impugned Notice bearing No. Nil dated 05.04.2023 issued by the Authorized Officer of the 2nd Respondent u/s 13(12) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (Act 54 of 2002) R/w Rule 3 of the Security Interest (Enforcement) Rules 2002 produced at Annexure-Q as illegal, malafide and same is violative of Article 14, 19 and 21 of the Constitution of India.***
- (b) Issue a writ of Certiorari or any other appropriate writ of order or direction, quashing the impugned Notice bearing No.V V Puram:: 20222-23/261.17369 dated 31.01.2023 issued by the Authorized Officer of the 2nd Respondent Bank u/s 13(02) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 produced at Annexure-L as illegal, malafide and same is violative of Article 14, 19 and 21 of the Constitution of India.***
- (c) Issue a writ of Mandamus or any other appropriate writ or order or direction holding that the Petitioner No.1 and other borrowers never waived Condition No.1 and 2 of Annexure-A dated 16.03.2018 nor the bank waived the said conditions and further hold that the Petitioners are not liable to pay the Housing Loan in view of the death of the 1 Petitioner's husband and her father in law to meet the ends of justice.,***
- (d) Issue of Writ of Mandamus or a directing the bank to release the security to the extent of the Cash credit facility so that the Petitioners make a partial sale and clears the cash credit debt to meet the ends of justice.***
- (e) Grant the Petitioner the cost of this proceeding, and***



(f) Pass such other order or orders as this Hon'ble Authority deems fit in the circumstances of the case.

2. The petitioner submits that the entire loan amount is cleared and they are not insisting for other prayers. However as far as prayer "C" is concerned, it is submitted that there is an obligation on the part of the respondent/Bank to ensure the loan. But the same was not done and the petitioner's husband and her father-in-law both passed away during COVID-19. As such there needs to be a direction to respondent/Bank.

3. This Court cannot consider the prayer "C" and if the petitioner has any other grievance it is for him to avail the appropriate remedy if any.

4. Accordingly this court is passing the following:

ORDER

- i. The writ petition is ***disposed of*** giving liberty to the petitioner to avail the appropriate remedy as far as Prayer "C" is concerned,
- ii. All the contentions with regard to prayer "C" are kept open.



iii. All pending I.As., in the petition shall stand closed.

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

TS
List No.: 1 Sl No.: 44