



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 14670 OF 2025 (GM-RES)

BETWEEN:

SRI MUNASWAMY MODALIAR
VALLORE MOTI,
S/O. V.M NARYANASWAMY,
AGED ABOUT 45 YEARS,
R/AT. 304 SAKETH NILYAM,
FLAT NO.202 OUTER CIRLCE,
WHITEFILED MAIN ROAD,
BANGALORE DISTRICT-560066.

...PETITIONER

(BY SRI.PAWAN KUMAR., ADVOCATE)



AND:

1. THE AUTHORIZED OFFICER
CHOLAMANDALAM INVESTMENT
AND FINANCE COMPANY LIMITED.
NEAR CHOLA CREST, C54-55
AND SUPER B-4, THIRU-VI-KA
INDUSTRIAL ESTATE,



GUINDY, CHENNAI-600032,
TEL. NO.044-4907172
CIN L65993TN1978PLC007576.

THE CHIEF MANAGER
CHOLAMANDALAM INVESTMENT
AND FINANCE COMPANY LIMITED.
NEAR CHOLA CREST, C54-55 AND
SUPER B4, THIRU VI KA
INDUSTRIAL ESTATE, GUINDY,
CHENNAI 600032,
TEL. NO.044 4907172
CIN L65993TN1978PLC007576

NOW REPRESENTED BY
THE AUTHORIZED OFFICER,
CHOLAMANDALAM INVESTMENT
AND FINANCE COMPANY LIMITED,
BANGALORE OFFICE
PRESTIGE LIBRE 1ST FLOOR,
MUNICIPAL NO. 45 AND 45/1
LALBAGH ROAD,
ABOVE PASSPORT OFFICE,
BANGALORE 560027.

2. ASHWATHAMMA. N,
OWNER OF THE PROPERTY,
403, M G ROAD, NEAR YELLAMMA TEMPLE,
SARJAPURA, ANEKAL,
KARNATAKA-562125.
3. VENKATESA C. M,
CO-BARROWER, 403,
M G ROAD, NEAR YELLAMMA TEMPLE,



SARJAPURA, ANEKAL,
KARNATAKA-562125.

4. M/S. OM SAKTHI ENTERPRISES,
CO-BARROWER, 403, M G ROAD, NEAR
YELLAMMA TEMPLE,
SARJAPURA, ANEKAL,
KARNATAKA-562125.

...RESPONDENTS

(BY SRI. FRANCIS XAVIER.,ADVOCATE FOR R1;
MS. MONISHA M., ADVOCATE FOR
SRI. LTH ROBIN RAJA., ADVOCATE FOR R2 & R3;
R4 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO
MANDAMUS IN VIEW OF THE ANNEX-A, DIRECTED
R1 TO EXECUTE SALE CERTIFICATE IN FAVOUR OF
THE PETITIONER HEREIN WITH RESPECT TO
SCHEDULE PROPERTY WITHIN TWO MONTHS.

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 petitioner has purchased a completed residential building with multiple floors [*the subject property*] at an auction conducted by the first respondent under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, '*the SARFAESI Act*']. The petitioner seeks directions for police help to recover possession of the subject property. The crucial undisputed fact, as canvassed without contest, is that the first respondent has the advantage of the orders of the jurisdictional Magistrate under Section 14 of the SARFAESI Act to recover possession.

2. Mr. Pawan Kumar, the learned counsel for the petitioners, argues for a relief in the light of the afore, and Mr. Francis Xavier, the learned counsel for the first respondent, argues that [*a*] the first respondent has drawn up an inventory and



shifted movables in certain floors in the subject property to its warehouse but, because of the obstruction by the second to fourth respondents [*the borrowers*] who have clout, the first respondent, despite orders, cannot draw an inventory of the movables in the ground floor and basement or shift the movables to its warehouse. The learned counsel submits that if these tasks are completed, the first respondent will hand over the property to the petitioner.

3. Ms. Monisha M., who appears for Mr. L. T. H. Robin Raja [*the learned counsel on record for the second and third respondents*], submits that this Court may not intervene because these respondents have invoked the jurisdiction of Debt Recovery Appellate Tribunal [DRAT] under Section 18 of the SARFAESI Act as against the Debt Recovery Tribunal's order under Section 17 thereof, which is *against the decision to bring the subject property to*



sale under this Act, and that these respondents have deposited Rs.17,00,000/- with the DRAT. When queried, the learned counsel submits that there is no interim order though these respondents have filed an application for the interim order.

4. This Court must observe that what falls from these submissions is that there is no interim order that could impede the delivery of possession of the subject property by the respondents to the petitioner after drawing up of an inventory and moving the movables [*in terms of such inventory*] to its warehouse. Therefore, the question is: should the police refrain without extending assistance despite orders under Section 14 of the SARFAESI Act?

5. The answer, in this Court's view must be obvious, and it is an emphatic *No*. The jurisdictional police must, acting under the orders of Section 14 of the SARFAESI Act, assist the first respondent [*a*] to draw an inventory of the movables in the basement



and the cellar of the subject property, **[b]** to shift the movables under the inventory to its warehouse, and **[c]** deliver possession of the subject property to the petitioner under acknowledgment. This must be done at the earliest unless there is an order of stay granted by the DRAT. Hence, the following

ORDER

The petition stands disposed of directing the Station House Officer, Sarjapura Police Station, Bengaluru, upon receipt of a copy of this order, to extend all support to the first respondent to complete the three tasks as mentioned above and file a report into this Court by 13.03.2026. The petitioner and the first respondent are reserved with liberty to file a certified copy of this order with the afore Station House Officer and for compliance.

**Sd/-
(B M SHYAM PRASAD)
JUDGE**

SA