



CNR: KAHC010478222026

NC: 2026:KHC:37022
WP No. 21587 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 21587 OF 2026 (GM-DRT)

BETWEEN:

SRI. LALIT JAIN,
S/O. TEJRAJ BANTIYA,
AGED ABOUT 48 YEARS,
R/AT NO.50, YAMUNA BAI ROAD,
MADHAVANAGAR,
BENGALURU-560 001.

...PETITIONER

(BY SRI. YOGESH V. KOTEMATH, ADVOCATE FOR
SRI. VIRUPAKSHAIAH P.H., ADVOCATE)

AND:

1. SRI. GURU RAGHAVENDRA SAHAKARA
BANK NIYAMITHA,
HAVING ITS REGISTERED OFFICE AT
NO.15, SUBBARAMA CHETTY ROAD,
NETTAKALLAPPA CIRCLE,
BASAVANAGUDI,
BENGALURU-560 004.
REPRESENTED BY ITS
AUTHORIZED OFFICER.
2. SMT. VEENA VISHNU,
W/O. K.V.VARADAN,
AGED ABOUT 48 YEARS,
3. SRI. K.V. VARADAN,
S/O. NOT KNOWN,
AGED ABOUT 56 YEARS,





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RESPONDENTS NO.2 AND 3 ARE
R/AT NO.288/18, 7TH CROSS,
1ST BLOCK, JAYANAGAR,
BENGALURU - 560 011.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Yogesh V.Kotemath, counsel on behalf of
Sri.P.H.Virupakshaiah, for the petitioner appeared in
person.

2. This petition is filed seeking following reliefs:

- (a) Issue Writ in the nature of Certiorari or any
other writ or order direction in the similar
nature quashing the impugned order dated
11.07.2025 in CrI.Misc.No.879/2025 passed
by the Chief Judicial Magistrate, Bengaluru
Rural District, Bengaluru vide Annexure-H



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holding the same is illegal and without jurisdiction.;

- (b) Grant such other relief or reliefs as this Hon'ble Court may deem fit to grant in the facts and circumstances of the case, in the interest of justice and equity.

3. Counsel for the petitioner urged several contentions. Heard the arguments and perused the papers with care.

4. Suffice it to note that the Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.879/2025 and the Court vide order dated:11.07.2025 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*.



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It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of ***UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS*** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the Banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters



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with great caution, care and circumspection. Hence, I decline to exercise discretionary power. The petitioner may approach the appropriate forum if so advised and if the law permits.

Accordingly, the writ petition is ***dismissed***.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**SD/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 7