



CNR: KAHC010478382026

NC: 2026:KHC:37023
WP No. 21677 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. 21677 OF 2026 (GM-DRT)

BETWEEN:

1. MR. BASAVARAJ NAIK,
(BORROWER)
S/O. RAPALA NAIK,
AGED ABOUT 66 YEARS,
RESIDING AT NO.30/65,
SAPTAGIRI SADANA,
1ST FLOOR, 16TH CROSS,
2ND MAIN, GANGANAGAR,
BENGALURU-560 032.
2. MRS. PANKAJA M.S.,
W/O. BASAVARAJA NAIK,
(CO-BORROWER),
AGED ABOUT 52 YEARS,
RESIDING AT NO.30/65,
SAPTAGIRI SADANA,
1ST FLOOR, 16TH CROSS,
2ND MAIN, GANGANAGAR,
BENGALURU-560 032.



...PETITIONERS

(BY SRI. A.S.KULKARNI, ADVOCATE)

AND:

BAJAJ FINANCE LTD.,
REGISTERED HEAD OFFICE AT
MUMBAI PUNE ROAD, AKURDI,
PUNE-411 035, MAHARASHTRA,
INDIA.



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CORPORATE OFFICE AT
4TH FLOOR, BAJAJ FINSERC,
OFF PUNE-AHEMEDNAGAR ROAD,
VIMAN NAGAR, PUNE-411014.
MAHARASHTRA, INDIA.

HAVING BRANCH OFFICE AT
5TH FLOOR, PRESTIGE TOWERS,
RESIDENCY ROAD, BENGALURU,
KARNATAKA - 560 025, INDIA.

REPRESENTED BY
DEPUTY AREA LEGAL MANAGER.

...RESPONDENT

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.A.S.Kulkarni, counsel for the petitioners appeared in
person.

2. This petition is filed seeking following reliefs:

- (a) Issue a Writ of mandamus or any other writ or
order or direction quashing the order dated
06.05.2026 passed by the learned Chief Judicial
Magistrate, Bengaluru Rural District, Bengaluru in
Crl.Misc.No.684/2026 Annexure - A and



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- (b) Grant any other order, writ and relief which this Hon'ble Court deems fit and necessary under the facts of this case in the interest of justice and equity.

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

4. Suffice it to note that the respondent had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.684/2026 and the Court vide order dated:06.05.2026 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*.

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



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

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



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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.: 9