



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25485 OF 2024 (GM-RES)

BETWEEN:

MR. M.C.ASHOK
S/O M.S. CHANNEGOWDA,
AGED ABOUT 54 YEARS,
PROP. OF M/S SRI LAKSHMI
VENKATESHWARA COFFEE TRADING CO.,
J.V.S. BUILDING, A.I.T. CIRCLE,
K.M.ROAD, JYOTHINAGAR
CHIKMAGALUR – 577 102

...PETITIONER

(BY SMT. KAVITHA D., ADVOCATE)

AND:

1. M/S HDFC BANK
BALAJI VENTURE, 1ST FLOOR,
SANGEETHA MOBILE STORES,
M.G.ROAD, CHIKMAGALUR – 577 101
REPRESENTED BY ITS
AUTHORIZED OFFICER.

AND HAVING ITS HEAD OFFICE AT
M/S HDFC BANK LTD.,
COMMODITY FINANCE DIVISION,
2ND FLOOR, PROCESS HOUSE,
KAMALA MILLS COMPOUND,
LOWER PAREL,
MUMBAI - 400 013

2. THE SENIOR MANAGER- RECOVERY
DEPT. FOR SPECIAL OPERATIONS,



M/S HDFC BANK LTD.,
2ND FLOOR,
ESSEL CHAMBERS, 7 AND 7/1,
LALABAGH ROAD, RICHMOND CIRCLE,
BENGALURU – 560 027

...RESPONDENTS

(BY SRI. VASUDEVAN H.N., ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED: 05.12.2016 IN CRL. MISC.NO. 58/2016 AND WHICH IS PENDING BEFORE THE HONBLE COURT OF SENIOR CIVIL JUDGE AND CJM, CHIKMAGALUR VIDE ANNEXURE-E AND DEMAND NOTICE DATED: 02.01.2024 ISSUED BY THE RECOVERY OFFICER-I, DRT-I VIDE ANNEXURE-Z STATING THAT THE ENTIRE PARALLEL RECOVERY PROCEEDINGS INITIATED BY THE RESPONDENT BANK AGAINST THE SCHEDULE PROPERTY ARE ILLEGAL AND IN VIOLATION OF THE SARFAESI ACT, 2002 AND THE RDB ACT, 1993.

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 prayer:

"WHEREFORE the petitioner most respectfully prays before this Hon'ble Court that in view of the facts and grounds mentioned above, for the following reliefs:

a) Issue a writ of Certiorari by setting aside the Order dated 05.12.2016 in Crl.Misc.No.58/2016 and which is pending before the Hon'ble Court of Senior Civil Judge and CJM, Chikmagaluru vide ANNEXURE-E and Demand notice dated 02.01.2024 issued by the Recovery officer-I, DRT-I vide ANNEXURE-Z stating that the entire parallel recovery proceedings initiated by the respondent Bank against the schedule property are illegal and in violation of the SARFAESI Act, 2002 and the RDB Act, 1993.

b) Issue writ of mandamus to the respondent Bank not to take any action against the schedule property and to accept the petitioner's representation dated 20.08.2021 vide ANNEXURE-S to clear the OTS amount of Rs.42.00 lakhs and thereby enable him to clear his loan account held with the respondent Bank

c) Issue such other orders or direction/s as may be deemed fit to grant, including cost of the case, in the view of facts and circumstances of this case in the interest of justice and equity."

2. It is submitted by the petitioner that the interim order granted by this Court is complied with.



The petitioner has an effective alternative remedy before the DRT and the writ petition is 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 before the DRT.
- ii. The petitioner shall have the benefit of Section 14 of the Limitation Act.
- iii. All pending I.As., in the writ petition shall stand closed.

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