



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 27301 OF 2025 (GM-DRT)

BETWEEN:

SRI.KARTHIK.M
S/O MURUGESAN (URUGESAN)
AGED ABOUT 26 YEARS
SITE NO.197/A, "CLASSIC ORCHARDS",
KOTHANUR VILLAGE
UTTARAHALLI HOBLI
BANGALORE SOUTH TALUK

...PETITIONER

(BY SRI. PRAVEEN R., ADV.)

AND:

1. THE CHIEF MANAGER
KARNATAKA BANK LTD.,
RASHTRIYA VIDYALAYA ROAD,
BASAVANAGUDI
BENGALURU - 560005.
2. THE AUTHORIZED OFFICER BANK LTD.,
ASSET RECOVERY MANAGEMENT BRANCH
HAVING ITS BRANCH AT FKCCI BUILDING
KEMPEGOWDA ROAD, BANGALORE-560009





3. SMT. J GUHAPRIYA
W/O B. KANAGAACHALAN
AGED ABOUT 46 YEARS
BOTH ARE R/A NO.26,
3RD FLOOR, 1ST CROSS,
SINDHI COLONY, JC ROAD
BANGALORE-560002

...RESPONDENTS

(BY SRI. NITHIN CHANDRA M, ADV. FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1) ISSUE WRIT OF CERTIORARI QUASHING AND THE AUCTION PROCEEDINGS PUBLIC NOTICE DATED 26-08-2025 (AUCTION DATED 16-09-2025) IN INDIAN EXPRESS UNDER SECTION 13(2) OF SARFAESI ACT, AND UNDER SECTION 13(4) OF SARFAESI ACT, ISSUED BY THE RESPONDENT NO.1 AS CONTRARY TO LAW AND UNENFORCEABLE AND VOID, AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- 1) Issue writ of certiorari quashing and the auction proceedings public notice dated 26.08.2025 (auction dated 16.09.2025) in Indian express under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Act, and under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Act, issued by the respondent No.1 as contrary to Law and unenforceable and void.
- 2) Issue writ of certiorari quashing all further proceedings initiated by the respondent No.1 and 2 Bank pursuant to under Section 13(2) of the Act, and notice under Section 13(4) of the Act as being all consequential action initiated pursuant to a notice without authority of Law as being void and not binding on the petitioner.
- 3) Pass such other order or orders as this Hon'ble Court deems fit to grant under the facts and



circumstances of the case, in the interest of justice and equity.

2. Learned counsel appearing for the respondent-Bank submits that pursuant to the public auction notice, no action was held on the schedule date.

3. In view of the submission made by the learned counsel for the respondent-Bank, prayer (a) become redundant. Insofar as prayer (b) is concerned, the petitioner is challenging the notices issued under Section 13(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act').

4. The petitioner to assail the notices issued under Sections 13(2) and 13(4) of the SARFAESI Act, has an efficacious remedy under Section 17 of the SARFAESI Act. The petitioner without exhausting equal efficacious remedy, has filed this writ petition.



5. In view of proposition of law laid down by the Hon'ble Apex Court in the case of **RIKHAB CHAND JAIN Vs. UNION OF INDIA IN C.A.No.6719 of 2012** disposed off on 12.11.2025, the present writ petition is not maintainable.

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

7. A liberty is reserved to the petitioner to challenge the impugned notices under Sections 13(2) and 13(4) of the SARFAESI Act before the Debt Recovery Tribunal, if so advised within 30 days from today.

8. The petitioner is entitled to the benefit under Section 14 of the Limitation Act, 1963.

9. Pending applications, if any, stand disposed off accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SSB