



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.101285 OF 2026 (GM-DRT)

BETWEEN:

1. SRI. ARUNKUMAR
S/O. HANAMANTHAPPA KOTTENNAVAR,
AGE. 51 YEARS, OCC. CIVIL CONTRACTOR,
PLOT NO.6, KCC BANK LAYOUR,
NEAR MAITRI SCHOOL, NAVANAGAR,
HUBBALLI-580025, ALSO AT. KHB COLONY,
MIG-II, HOUSE NO.5, NAVANAGAR,
HUBBALLI-580025.
2. SMT. RAJESHWARI
W/O. ARUNKUMAR KOTTENNAVAR,
AGE. 47 YEARS, OCC. HOME MAKER,
PLOT NO.6, KCC BANK LAYOUT,
NEAR MAITRI SCHOOL, NAVANAGAR,
HUBBALLI-580025.
3. SRI. PRABHAKAR M.DODDAMANI,
JAYANAGAR, NEW BUS STAND,
SHIGGAON-581205.

...PETITIONERS

(BY SRI. YALLAPPA PANDURANG HOSMANI, ADVOCATE)

AND:

1. UNION BANK OF INDIA,
NAVANAGAR BRANCH, MIG-3,
MAHABALESHWARA ANNEXE,
NAVANAGAR, MAIN ROAD,





HUBBALLI-580025,
R/BY ITS CHIEF/AUTHORIZED OFFICER,
SMT. S MALARU W/O. B JOYIKUMAR,
AGE. 52 YEARS.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO A) TO ISSUE WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE ORDER DATED 03.10.2025 PASSED IN CRL. MISC. NO.297/2025 BY THE I ADDL. SENIOR CIVIL JUDGE AND CJM, DHARWAD VIDE ANNEXURE-A AS NULL AND VOID AND ALLOW THE PETITIONER TO PAY REMAINING BALANCE OF LOAN. B) TO ISSUE WRIT IN THE NATURE OF MANDAMUS BY RESTRAINING THE RESPONDENT-BANK AND ITS OFFICERS FROM TAKING PHYSICAL POSSESSION OF THE PETITIONER'S SCHEDULED PROPERTY SITUATED AT PLOT. NO.6, KCC BANK LAYOUT, NAVANAGAR, HUBBALLI. C) GRANT AN INTERIM STAY OF ALL FURTHER PROCEEDINGS PURSUANT TO THE IMPUGNED ORDER, INCLUDING EXECUTION OF POSSESSION WARRANT, PENDING DISPOSAL OF THIS WRIT PETITION. D) ISSUE ANY OTHER WRIT OR DIRECTION AS THIS HON'BLE COURT MAY DEEM FIT IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed seeking the following prayers:

a) To issue writ in the nature of certiorari by quashing the order dated 03.10.2025 passed in Crl. Misc. No.297/2025 by the I Addl. Senior Civil Judge and CJM, Dharwad vide ANNEXURE-A as null and void and allow the Petitioner to pay remaining balance of loan.

b) To issue writ in the nature of mandamus by restraining the Respondent-bank and its officers from taking physical possession of the petitioner's Scheduled Property situated at Plot. No.6, KCC Bank Layout, Navanagar, Hubballi.

c) Grant an interim stay of all further proceedings pursuant to the impugned order, including execution of possession warrant, pending disposal of this writ petition.

d) Issue any other writ or direction as this Hon'ble Court may deem fit in the interest of justice and equity."

2. The learned counsel for the petitioner submits that the bank is not correctly accounting the money that was already paid by the petitioner was not deducted and the bank has initiated the proceedings and now they are going to take over the possession of the property.

3. When an order is passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and



Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act). If the petitioner is aggrieved, he has a remedy to go before the Debt Recovery Tribunal (for short 'DRT') under Section 16 of the SARFAESI Act with all the grounds that are raised before this Court and the DRT will be effectively adjudicating the dispute, Therefore, this Court is passing the following:

ORDER

- (i) The writ petition is ***disposed off*** with a liberty to the petitioner to approach the Debt Recovery Tribunal in accordance with law.
- (ii) All I.As., in this writ petition stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

YAN
CT: UMD
List No.: 1 SI No.: 22