



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.102071 OF 2026 (GM-DRT)

BETWEEN:

SHAMSHEER S/O. MOHAMMEDGOUSE KUNDGOL,
AGE. 49 YEARS, OCC. BUSINESS,
RESIDENT OF PADADAYANNAHAKKAL,
HUBBALLI-580024.

...PETITIONER

(BY SRI. A.A. KALEBUDDE, ADVOCATE)

AND:

1. VARUN KUMAR S/O. SHRIPAD HUBLI (HUBLIKAR)
AGE. ABOUT 49 YEARS, OCC. BUSINESS,
RESIDENT OF SIDHARUDHMATH, OLD HUBBALLI,
HUBBALLI-580024,
NOW RESIDENT OF ANAND NAGAR,
GURUNATH NAGAR CROSS,
OLD HUBBALLI, HUBBALLI-580024.
2. UNION BANK OF INDIA (ANDHRA BANK)
REPTD BY THE CHIEF MANAGER, AUTHORIZED OFFICER,
HUBBALLI-DHARWAD BRANCH,
D.NO.123-D, R.D. BADDI MANSION,
CLUB ROAD, HUBBALLI-580029.
3. VIJAYKUMAR S/O. VENKANNA JIRAL,
AGE. 50 YEARS, OCC. BUSINESS,
RESIDENT OF SIDHARUDHMATH, OLD HUBBALLI,
HUBBALLI-580024.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A) A WRIT ORDER IN THE NATURE OF WRIT OF CERTIORARI QUASHING THE NOTICE ISSUED BY RESPONDENT NO.2 AS PER ANNEXURE-J DATED 02.02.2026 UNDER RULE 8 OF SARFAESI ACT TO MEET ENDS OF JUSTICE. B) ANY OTHER RELIEF THAT DEEMS FIT BE AWARDED.

Digitally signed by
VIJAYALAKSHMI
M KANKUPPI
Location: HIGH
COURT OF
KARNATAKA



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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The petitioner has filed this writ petition challenging the notice dated 02.02.2026 issued by respondent No.2 under Rule 8 of Security Interest (Enforcement) Rules, 2022, vide Annexure-J.

2. The petitioner has got an efficacious remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner without exhausting the efficacious remedy filed this writ petition. The writ petition filed by the petitioner is not maintainable, in view of the proposition laid down by the Hon'ble Apex Court in case of **RIKHAB CHAND JAIN VS UNION OF INDIA AND OTHERS IN CIVIL APPEAL No.6719/2012**. I do not find any grounds to entertain the writ petition.

3. Accordingly, the writ petition is dismissed.



NC: 2026:KHC-D:4406
WP No. 102071 of 2026

4. The liberty is reserved to the petitioner to approach the Debt Recovery Tribunal, if so desired.

SD/-
(ASHOK S. KINAGI)
JUDGE

MBS
CT: UMD
List No.: 1 SI No.: 35