



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 26TH DAY OF MARCH 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO. 103422 OF 2025 (CS-RES)

BETWEEN:

1. PARVEZ AHMED S/O BABASAB SUDARJI
AGE. 48 YEARS, OCC. BUSINESS,
R/O. MUSTAN SOFA, OLD HUBBALLI,
HUBBALLI, DIST. DHARWAD 580026

...PETITIONER

(BY SRI. SADIQ N. GOODWALA, ADV)

AND:

1. THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES AND
RECOVERY OFFICER (NE441),
KARNATAKA STATE CO-OPERATIVE
PATTINA BANK FEDERATION LIMITED,
NO.9, #10, DOLLAR COLONY
GOKUL ROAD, HUBBALLI
DIST. DHARWAD-580030
2. THE AZAD URBASN CO-OPERATIVE
BANK, HUBBALLI
BY ITS MANAGING DIRECTOR
STATION ROAD, HUBBALLI,
DIST. DHARWAD-580020

...RESPONDENTS

(BY SMT. KIRTI LATA R. PATIL, HCGP FOR R1,
SRI. B.S SANGATI, ADV FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED AUCTION NOTIFICATION PUBLISHED IN NEWSPAPER DATED 21.05.2025 NOTIFIED BY RESPONDENT NO.1 VIDE ANNEXURE-B AND A WRIT IN A NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 BANK FOR OTS BY IMPOSING REASONABLE INTEREST FOR THE LOAN OBTAINED BY THE PETITIONER & ETC.

VIJAYALAKSHMI
M KANKUPPI



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

ORAL ORDER

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

1. The petitioner filed this writ petition challenging the auction notification published in the newspaper dated 21.05.2025 notified by respondent No.1 vide Annexure-B and sought for a mandamus directing respondent No.2-bank for OTS by imposing a reasonable interest for the loan obtained by the petitioner.

2. The petitioner in the petition itself has stated that this petition is a mercy petition and the petitioner is not challenging the impugned order on merits. Though this petition was filed on 29.05.2025 an interim order was granted subject to deposit of ₹2,50,000/-. Despite granting an interim order, the petitioner has not complied with the interim order. Admittedly, for last more than one year, the petitioner has not paid a single pie. It shows that the petitioner is intending to protract the recovery proceedings. In view of the communication addressed by the Assistant Registrar, Supreme Court of India, New Delhi, to the Registrar General of all the High Courts vide communication



dated 30.04.2024, wherein directed to convey the following directions of the Hon'ble Supreme Court dated 10.04.2024 in Civil Appeal No.4845/2024 dated, which reads as follows:

33. While dismissing the writ petition, we will have to remind the High Courts of the following words of this Court in the case of Satyawati Tondon (supra) since we have come across various matters wherein the High Courts have been entertaining petitions arising out of the DRT Act and the SARFAESI Act in spite of availability of an effective alternative remedy:

"55. It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and the SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of 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 greater caution, care and circumspection."

3. In view of the same, I do not find any grounds to entertain the writ petition.

4. Accordingly, writ petition is dismissed.



NC: 2026:KHC-D:4742
WP No. 103422 of 2025

In view of dismissal of the petition, I.As.1 of 2025 and 2 of 2025 do not survive for consideration. Accordingly, they stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

kmv
CT: BSB