



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201348 OF 2026 (GM-RES)

BETWEEN:

1. MR. MOHAMMED SHALAM
S/O HAJI MIYA,
R/AT NO.4-1-71, NAYA BAZAR ROAD,
MANGALWAR PET, RAICHUR - 584101.
2. MRS. ASIYA BEGUM
W/O MOHAMMED SHALAM,
R/AT NO.4-1-71, NAYA BAZAR ROAD,
MANGALWAR PET, RAICHUR - 584101.

...PETITIONERS

(BY SRI. SRINIVAS YADAV, ADVOCATE)

AND:

BAJAJ HOUSING FINANCE LIMITED,
REGISTERED OFFICE AT
BAJAJ FINSERV CORPORATE OFFICE,
OFF PUNE-AHMEDNAGAR ROAD,
VIMAN NAGAR, PUNE - 411014,
BRANCH OFFICE AT RAICHUR, KARNATAKA,
REPRESENTED BY ITS AUTHORIZED OFFICER.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A
WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT,





ORDER OR DIRECTION, QUASHING THE LETTER DATED 13.03.2026 ISSUED BY THE RESPONDENT VIDE ANNEXURE-C DIRECTING THE PETITIONERS TO HAND OVER PHYSICAL POSSESSION OF THE SECURED ASSET AS BEING ILLEGAL, ARBITRARY AND WITHOUT AUTHORITY OF LAW, IN ALTERNATIVE, DIRECT THE RESPONDENT BANK NOT TO TAKE PHYSICAL POSSESSION OF THE SECURED ASSET TILL THE CONSIDERATION OF THE SECURITIZATION APPLICATION IN DIARY NO.840/2026 BEFORE THE DRT-2, AT BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

Petitioners are before this Court in this writ petition filed under Article 226 and 227 of the Constitution of India seeking for the following reliefs :

"Issue a writ of certiorari or any other appropriate writ, order or direction, quashing the letter dated 13.03.2026 issued by the respondent vide Annexure-C directing the petitioners to hand over physical possession of the secured asset as being illegal, arbitrary and without authority of law, in alternative, direct the respondent bank not to take physical possession of the secured asset till the consideration of the securitization application in Diary No.840/2026 before the DRT-2, at Bangalore."



2. Heard the learned counsel for the petitioners.

3. The petitioners appears to have borrowed housing loan from the respondent-financing company. Since the petitioners had failed to repay the loan dues, action was taken by the respondent-financing company to recover the loan dues under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act of 2002', for brevity). It appears that after issuance of notice under Section 13(2) of the SARFAESI Act of 2002, symbolic possession of the property belonging to the petitioners which was mortgaged in favour of the financing company was taken under Section 13(4) of the SARFAESI Act of 2002 and thereafter a notice was issued on 13.03.2026 vide Annexure-C to the petitioners to hand over the possession of the property in question to the respondent-financing company.



4. It appears that challenging the action taken under Section 13(4) of the SARFAESI Act of 2002, petitioners have filed an application before the Debt Recovery Tribunal at Bengaluru under Section 17 of the SARFAESI Act of 2002. According to the petitioners, though the said application was filed on 09.03.2026, till date the said application is not taken on board by the Tribunal in spite of the petitioners moving repeated applications before the Tribunal for considering their application under Section 17 of the SARFAESI Act of 2002. It is under these circumstances the petitioners are before this Court.

5. Since the petitioners have already approached the jurisdictional Debt Recovery Tribunal at Bengaluru, seeking necessary reliefs in their application filed under Section 17 of the SARFAESI Act of 2002, challenging the action taken by the respondent-financing company under Section 13(4) of the SARFAESI Act of 2002, I am of the opinion that, if this petition is disposed of with a request to



the Debt Recovery Tribunal at Bengaluru to take up the application filed by the petitioner under Section 17 of the SARFAESI Act of 2002 (Diary No.840/2026), the same would serve the ends of justice. Accordingly, the following order:

- i) Writ petition is ***disposed of*** permitting the petitioners to move a memo before the Debt Recovery Tribunal at Bengaluru to take their application filed under Section 17 of the SARFAESI Act of 2002 for consideration and if such a memo is moved along with the copy of this order, the Debt Recovery Tribunal at Bengaluru is requested to take-up the application of the petitioners filed under Section 17 of the SARFAESI Act of 2002, (Diary No.840/2026) for consideration at the earliest, if the petitioners have complied all the office objections and have paid the requisite Court fee.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE