HC-KAR

NC: 2026:KHC:48033
WP No. 26683 of 2026

CNR: KAHC010586702026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26683 OF 2026 (GM-DRT)

BETWEEN:

1. MR. MALLIKARJUNA SWAMY R.G.,
S/O. R.M.GANGADHARAPPA,
AGED ABOUT 59 YEARS,

2. MRS. E.K.RADHIKA,
W/O. MR. PALANI VEL N.M.,
AGED ABOUT 46 YEARS,

3. MRS. KANTHURI LAKSHMI NARASAMMA
W/O MR KANTHURI VENKATA SUBBAIAH,
AGED ABOUT 56 YEARS,

4. MRS. CHANDRAKALA H.K.,
W/O. LATE NINGAIAH,
AGED ABOUT 54 YEARS,

5. MR. PABITRA NASKAR
S/O. GAUR NASKAR,
AGED ABOUT 49 YEARS,

6. MR. SURESH D.,
S/O. MR. DAKANNANAYAKA M.,
AGED ABOUT 43 YEARS,

ALL THE PETITIONERS ARE
R/AT NO. 42/43, SANNIDHY,
4TH CROSS, 2ND FLOOR,
VERMA LAYOUT,

BHUVANESHWARI NAGARA,
BENGALURU NORTH,
BENGALURU-560024.

...PETITIONERS

(BY SMT. KAVITHA D., ADVOCATE)

AND:

1. BAJAJ FINANCE LIMITED
[REGISTERED UNDER THE COMPANIES ACT, 1956,
(NOW GOVERNED UNDER THE COMPANIES ACT,
2013)]
HAVING ITS REGISTERED OFFICE:
C/O BAJAJ AUTO LIMITED COMPLEX,
MUMBAI-PUNE ROAD, AKURDI,
PUNE - 411035
MAHARASHTRA,
HAVING ITS BRANCH OFFICE: 5TH FLOOR,
PRESTIGE TOWERS, RESIDENCY ROAD,
BENGALURU-560025
REPRESENTED BY ITS AUTHORIZED OFFICER,

2. MR. BASAVARAJ NAIK,
S/O. L.RUPLA NAIK MUSSANAL,
AGED ABOUT 66 YEARS,

3. MR. PANKAJA M.S.,
W/O. MR. BASAVARAJ NAIK,
AGED ABOUT 51 YEARS,

RESPONDENT NO.2 AND 3 ARE
R/AT NO.30/65, SAPTAGIRI SADANA,
1ST FLOOR, 16TH CROSS, 2ND MAIN,
GANGANAGAR, BENGALURU-560032.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Smt.Kavitha.D., counsel for the petitioners has appeared in person.

2. Though the matter is listed today for preliminary hearing, it is heard.

3. This petition is filed seeking following reliefs:

a) *Issue a writ of Certiorari, by quashing the Section 14 order dated 06.05.2026 passed by the Chief Judicial Magistrate, Bengaluru Rural District in Crl.Misc.No.684/2026, vide Annexure-G, as the same has been obtained by the respondent Bank on the basis of incorrect and misleading and in violation of the mandatory requirements of Section 14 of the SARFAESI Act, 2002.*

b) *Direct the respondent No.1 Company not to interfere with or dispossess the Petitioners from their respective portions of the Schedule Premises pursuant to the Section 14 order dated 06.05.2026 in Crl.Misc.No.684/2026 vide Annexure-G, pending disposal of Diary No.2530/2026 before the Hon'ble DRT-I, Bengaluru vide Annexure-L.*

c) *Direct the respondent No.2 and 3 to refund the respective security deposits received from the petitioners under the Lease Agreements, to enable the petitioners to secure alternative accommodation vide Annexure-J.*

d) *Pending such refund and enabling the petitioners to secure alternative accommodation, direct respondent No.1 company not to interfere with or dispossess the petitioners from their respective portions of the schedule premises.*

e) *Issue such other orders or direction/s as may be deemed fit to grant, including cost of the case, in the view of facts and circumstances of this above case in the interest of justice and equity.*

4. Counsel for the petitioners urged several contentions. Heard the arguments and perused the papers with care.

5. Suffice it to note that the first respondent had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.684/2026 and the Court vide order dated:06.05.2026 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as

the Tribunal has been established specifically to adjudicate the *lis*.

It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of ***UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS*** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the 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 great caution, care and

circumspection. Hence, I decline to exercise power under writ jurisdiction. Accordingly, the writ petition is ***dismissed***. The petitioners may approach the appropriate forum, if so advised and if the law permits.

Because of dismissal the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 2 Sl No.: 2