HC-KAR

CNR: KAHC010388892024

NC: 2026:KHC:55903
WP No. 18521 of 2024
C/W WP No. 27448 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.18521 OF 2024 (GM-DRT)

C/W

WRIT PETITION NO.27448 OF 2024 (GM-DRT)

IN W.P. NO.18521/2024

BETWEEN:

1. VIJAYA HOSPITAL,
A PROPRIETORSHIP CONCERN,
SITUATED AT NO.13, 6TH CROSS,
T. DASARAHALLI, BENGALURU-560057
REPRESENTED BY ITS PROPRIETOR
DR. RAJEEVA LOCHANA DORAISWAMY.

2. DR. RAJEEVA LOCHANA DORAISWAMY
S/O DORAISWAMY,
AGED ABOUT 54 YEARS,
SELF-EMPLOYED,

3. MRS. ROOPA LAKSHMI
W/O DR. RAJEEVA LOCHANA DORAISWAMY,
AGED ABOUT 49 YEARS,
SELF-EMPLOYED,

NOS.2 & 3 ABOVE ARE RESIDING AT
R/AT NO.120, DOREMANE, 5TH CROSS,
1ST BLOCK, HMT LAYOUT,
NEAR 8TH MILE, NAGASANDRA,
BENGALURU-560073.

...PETITIONERS

(BY SRI. HEGDE PRAKASH RAGHAVA, ADVOCATE)

AND:

1. THE IDFC FIRST BANK LTD.,
REGISTERED OFFICE AT KRM TOWERS,
7TH FLOOR, NO.1, HAMINGTON ROAD,
CHETPET, CHENNAI–600031.
AND HAVING BRANCH OFICE AT C-1,
R.P'S PRIDE, 1ST FLOOR,
20TH MAIN ROAD, KHB 5TH BLOCK,
OPPOSITE TO SHRI GANESHA TEMPLE,
KORAMANGALA,
BANGALORE-560095
REPRESENTED BY ITS BRANCH MANAGER/
AUTHORIZED OFFICER.

2. AUTHORIZED OFFICER / CHIEF MANAGER
THE IDFC FIRST BANK LTD.,
R.P'S PRIDE, 1ST FLOOR,
20TH MAIN ROAD, KHB 5TH BLOCK,
OPPOSITE TO SHRI GANESHA TEMPLE,
KORAMANGALA,
BANGALORE-560095.

…RESPONDENTS

(BY SRI. AJAY KUMAR N., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED SALE-NOTICE NOTICE, DATED 15.05.2024 ISSUED BY THE RESPONDENT NO.2, HAVING NIL REFERENCE NUMBER (ANNEXURE-A) AS NOT SUSTAINABLE, AND CONSEQUENTLY; QUASH THE IMPUGNED SUBSEQUENT SALE-NOTICE NOTICE, DATED 23.06.2024, HAVING NIL REFERENCE NUMBER GOT PUBLISHED BY THE RESPONDENT NO.2 IN KANNADAPRABHA, KANNADA DAILY NEWSPAPER, DATED 23.06.2024 (ANNEXURE-L) AS NOT SUSTAINABLE AND ETC.

IN W.P. NO.27448/2024

BETWEEN:

1. VIJAYA HOSPITAL,
A PROPRIETORSHIP CONCERN,
SITUATED AT NO.13, 6TH CROSS,
T. DASARAHALLI, BENGALURU-560057
REPRESENTED BY ITS PROPRIETOR
DR. RAJEEVA LOCHANA DORAISWAMY.

2. DR. RAJEEVA LOCHANA DORAISWAMY
S/O DORAISWAMY,
AGED ABOUT 54 YEARS,
SELF-EMPLOYED,

3. MRS. ROOPA LAKSHMI
W/O DR. RAJEEVA LOCHANA DORAISWAMY,
AGED ABOUT 49 YEARS,
SELF-EMPLOYED,

NOS.2 & 3 ABOVE ARE RESIDING AT
R/AT NO.120, DOREMANE, 5TH CROSS,
1ST BLOCK, HMT LAYOUT,
NEAR 8TH MILE, NAGASANDRA,
BENGALURU-560073.

…PETITIONERS

(BY SRI. MURTHY K., ADVOCATE)

AND:

1. THE IDFC FIRST BANK LTD.,
REGISTERED OFFICE AT KRM TOWERS,
7TH FLOOR, NO.1, HAMINGTON ROAD,
CHETPET, CHENNAI–600031.
AND HAVING BRANCH OFICE AT C-1,
R.P'S PRIDE, 1ST FLOOR,
20TH MAIN ROAD, KHB 5TH BLOCK,
OPPOSITE TO SHRI GANESHA TEMPLE,
KORAMANGALA,

BANGALORE-560095
REPRESENTED BY ITS
BRANCH MANAGER/
AUTHORIZED OFFICER.

2. AUTHORIZED OFFICER / CHIEF MANAGER
THE IDFC FIRST BANK LTD.,
R.P'S PRIDE, 1ST FLOOR,
20TH MAIN ROAD, KHB 5TH BLOCK,
OPPOSITE TO SHRI GANESHA TEMPLE,
KORAMANGALA,
BANGALORE-560095.

…RESPONDENTS

(BY SRI. V. SURESH, ADVOCATE FOR C/R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT BANK TO CONSIDER THE REVISED LETTER OF OTS OFFER DATED 19.08.2024 GOT SUBMITTED BY THE PETITIONERS SEEKING AN OPPORTUNITY OF HAVING SETTLE THE DISPUTE PERTAINING THEIR LOAN ACCOUNTS (ANNEXURE-A) IN ACCORDANCE WITH LAW AND BANKING PROCEDURE IN THAT REGARD AND CONSEQUENTLY; QUASH THE IMPUGNED SALE-NOTICE NOTICE, DATED 21.09.2024 ISSUED BY THE RESPONDENT NO.2 HAVING NIL REFERENCE NUMBER (ANNEXURE-B) AS THE ENTIRE MEASURES THEREOF IS ILLEGAL, CONTRARY TO THE PROCEDURE LAID DOWN BY LAW AND NOT SUSTAINABLE AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. The petitioners have filed the present writ petitions assailing the sale notices dated 15.05.2024, newspaper publication dated 23.06.2024 in Kannadaprabha, Kannada daily newspaper and 21.09.2024 issued by respondent No.2-Bank. The petitioners have also sought a writ of mandamus seeking direction to the Bank to consider the revised letter of One Time Settlement [**OTS**] dated 19.08.2024.

2. The petitioners had availed financial assistance from respondent No.2-Bank, secured by mortgaged assets and properties. Subsequent defaults led to the loan account being classified as Non-performing Asset [**NPA**]. Respondent No.2 issued demand notice dated 29.11.2018, a possession notice dated 04.02.2019 and sale notices dated 15.05.2024, 23.06.2024 paper publication and 21.09.2024. The petitioners submitted a OTS offer on 28.06.2023 along with the subsequent correspondence proceedings before the Debt Recovery Tribunal [**the DRT**] and Debt Recovery Appellate Tribunal [**the DRAT**]. According to the learned counsel for the petitioners, the proceedings are pending before the DRT and the DRAT.

3. Learned counsel for the petitioners contends that the Bank's proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the SARFAESI Act**], including the issuance of sale notices dated 15.05.2024, the newspaper publication dated 23.06.2024 and 21.09.2024, are arbitrary, illegal and conducted without following the prescribed legal procedure. It is also his contention that the petitioners submitted multiple OTS offers and expressed willingness to cooperate with the Bank to clear the dues or dispose of the assets properly, which according to the learned counsel for the petitioner, the Bank has arbitrarily disregarded.

4. Learned counsel for the Bank submits that, pursuant to the proceedings initiated under the SARFAESI Act, a sale certificate has been registered. He also submits that the petitioners have filed four Securitisation Applications [**SAs**], which have been dismissed. If at all the petitioners are aggrieved by the issuance of the sale certificate, the remedy is not before this Court in writ petition but they have an alternate efficacious remedy provided under the SARFAESI Act by filing an appeal before the DRT.

5. Section 17 of the SARFAESI Act provides a remedy to any person, including the borrower, who is aggrieved by any of the measures taken under Section 13(4) of the SARFAESI Act can approach the DRT. The jurisdiction of the DRT is sufficiently wide to examine whether the measures adopted by the secured creditor are in accordance with the provisions of the SARFAESI Act and Rules framed thereunder and upon finding such measures to be contrary thereto, to declare them invalid and grant appropriate consequential relief. An appeal against an order passed by the DRT under Section 17 of the SARFAESI Act is further appealable under Section 18 of the SARFAESI Act before the DRAT.

6. The Hon'ble Supreme Court, in a catena of decisions, including **United Bank of India v. Satyawati Tondon and Others**[1] and **PHR Invent Educational Society v. UCO Bank and Others**[2]**,** has repeatedly cautioned the High Courts against entertaining petitions under Article 226 of the Constitution of India in matters arising under the SARFAESI Act when the aggrieved person has an effective statutory remedy before the DRT.

[1] (2010) 8 SCC 110
[2] (2024) 4 SCC 579

7. In view of the availability of an efficacious alternative statutory remedy, the grounds urged by the petitioners concerning the legality and validity of the measures initiated by the secured creditor are matters which have to be appropriately urged and adjudicated before the DRT.

8. According to the learned counsel for the petitioners, the proceedings are pending before the DRT and the DRAT. If that is so, they can urge all those grounds before the Tribunal. Accordingly, the writ petitioners are ***disposed of***.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 7