HC-KAR

NC: 2026:KHC:55916
WP No. 1122 of 2024

CNR: KAHC010014382024

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.1122 OF 2024 (GM-DRT)

BETWEEN:

SMT. MANASA M.P.
D/O MAHARUDRAPPA .P
W/O BHADRESH .S
AGED ABOUT 38 YEARS,
N.H. 206, FOREST QUARTERS DASAKOPPA,
MALANDURU, SHIVAMOGGA,
KARNATAKA-577412.

...PETITIONER

(BY SRI. SHIVARAM RAMAKRISHNA BHAT, ADVOCATE)

AND:

1. THE AUTHORIZED OFFICER/BRANCH MANAGER
UNION BANK OF INDIA
(GOVERNMENT OF INDIA UNDERTAKING)
SHIKARIPURA BRANCH,
VETERINARY HOSPITAL ROAD,
SITE NO.1 & 2, SHIKARIPURA,
KARNATAKA-577427.

2. M/S. KUKKESHRI TRADING CO. LTD.,
REPRESENTED BY ITS PROPRIETOR,
SRI SHASHIKUMAR K.M.
#281, VIDYANAGAR,
SHIKARIPURA-577427.

3. M/S. STAR ELECTRONICS
REPRESENTED BY ITS PROPRIETOR
SMT. KAIRONNISA W/O SULEMAN

MUNICIPAL COMPLEX, M.S. ROAD,
SHIKARIPURA-577427.

…RESPONDENTS

(BY SMT. PREETHU R., ADVOCATE (V/C) FOR
SRI. VIGNESH SHETTY, ADVOCATE FOR R-1;
NOTICE TO R-2 & R-3 ARE SERVED & UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED COMMUNICATION DATED 27.09.2023 PASSED BY THE RESPONDENT BANK - AUTHORISED OFFICER, UNION BANK OF INDIA, SHIKARIPURA BRANCH BEARING LETTER NO.OR/1510/E AUCTION/2023-24 PRODUCED AS ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. The petitioner has approached this Court impugning the communication dated 27.09.2023 [**impugned communication**] issued by respondent No.1-Bank and seeking a writ of mandamus directing respondent No.1 to issue sale certificate in favour of the petitioner. In the alternative, the petitioner seeks a mandamus directing respondent No.1-Bank to pay solatium on the sum of ₹62,43,697/-, interest at the rate of 18% per annum on the sum of ₹62,43,697/-, and additional compensation/damages of ₹1 lakh.

2. The petitioner was the highest bidder in the online auction dated 12.09.2023 conducted by respondent No.1-Bank pursuant to the sale auction notice dated 05.08.2023. By the impugned communication, respondent No.1 cancelled the sale of the properties and returned the bid amount of ₹62,43,697/- to the petitioner.

3. Learned counsel for the petitioner submits that the impugned communication issued by the Bank is contrary to Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the SARFAESI Act**] read with 9(2) of the Security Interest (Enforcement) Rules, 2002 [**the Rules**] for the reason that the borrower lost right to redemption to the schedule properties after the sale was carried out in favour of the petitioner and the bid amount was paid by the petitioner within the time frame fixed by the Bank.

4. Section 17 of the SARFAESI Act reads as under:

> *"**17. Application against measures to recover secured debts.–**(1) Any person (including borrower), aggrieved by any of the measures referred to in sub-section (4) of section 13 taken by the secured creditor or his authorised officer under this Chapter, may make an application along with*

> *such fee, as may be prescribed, to the Debts Recovery Tribunal having jurisdiction in the matter within forty-five days from the date on which such measures had been taken:*
>
> *Xxx xxx xxx."*

5. Section 17 of the SARFAESI Act is considerably wide. 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 Debt Recovery Tribunal [**the DRT**].

6. The principal question that arises for consideration is:

> "Whether this Court would entertain the writ petition under Article 226 of the Constitution of India where the petitioner has an efficacious statutory remedy under the provisions of the SARFAESI Act?"

7. As stated above, Section 17 of the SARFAESI Act provides remedy to any person aggrieved by any measures. 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

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

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.

8. In view of the availability of an efficacious alternative statutory remedy, this Court declines to entertain the writ petition, reserving liberty to the petitioner to avail the remedy available under Section 17 of the SARFAESI Act, in accordance with the law. If the petitioner files an appeal before the DRT within a period of 30 days, the benefit of Section 14 of the Limitation Act, 1963, shall be made available to the petitioner. All contentions of the parties are kept open.

9. For the reasons stated above, the question framed for consideration is answered accordingly and the writ petition is ***disposed of.***

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 19