



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 8<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 19604 OF 2026 (GM-DRT)**

**BETWEEN:**

1. MR. S. INAYATHULLA @  
MR. SHAIK INAYATHULLA,  
S/O. LATE SHAIK HYDER,  
AGED 52 YEARS,
2. MRS. THASEEN TAJ,  
W/O. MR. SHAIK INAYATHULLA,  
AGED ABOUT 44 YEARS

BOTH ARE RESIDING AT NO. 639,  
13TH CROSS, 29TH MAIN,  
BTM LAYOUT, SECOND STAGE,  
NEAR MASIJID E-QUBA,  
BENGALURU - 560 076.

...PETITIONERS

(BY SRI. RANGARAMU V., ADVOCATE)

**AND:**

M/S. AUTHUM INVESTMENT  
AND INFRASTRUCTURE LTD.,  
HAVING ITS REGISTERED OFFICE,  
A NON BANKING FINANCE COMPANY  
INCORPORATED UNDER THE PROVISION  
OF THE COMPANIES ACT, 1956,  
HAVING ITS BRANCH OFFICE AT  
NO.39, FFK TOWERS, SECOND FLOOR,  
30TH CROSS ROAD, TILAK NAGAR,  
BANNERUGHATTA ROAD,  
BENGALURU-560041.





REPRESENTED BY THE  
AUTHORIZED OFFICER /  
DIRECT /MANAGER,

...RESPONDENT

(BY SRI. S.LAKSHMI NARAYANA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 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**

Sri.Rangaramu.V., counsel for the petitioners and  
Sri.S.Lakshminarayana., counsel for the caveator/ respondent  
have appeared in person.

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

3. This petition is filed seeking following reliefs:

i. To issue a writ of certiorari or any other  
appropriate order to quash / cancel or set aside the  
intimation letter / intimation notice issued by  
respondent on 19-06-2026 against the petitioners  
herein in respect of the schedule property. (the  
copy at Annexure-A).



ii. To issue a writ of certiorari or any other appropriate order to quash or set aside the impugned order date 10-06-2026 in Cri.Misc.No.3506/2026, passed by the Chief Metropolitan Magistrate Court at Bengaluru. (the copy at Annexure-B).

iii. Be pleased to call for records.

iv. To allow the above writ petition with cost.

v. And pass such other orders as this Hon'ble Court deems fit in the above said circumstance of the case in favor of these petitioners for the sake of/ in the interest of the justice and equity.

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

5. Suffice it to note that the respondent - M/s.Authum Investment and Infrastructure Ltd. had filed petition under Section 14 of the SARFAESI Act in Cri.Misc.No.3506/2026 and the Court vide order dated:10.06.2026 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*.

Pursuant to Section 14 order vacating notice was issued. The petitioners have assailed the said vacating notice by invoking writ jurisdiction. The Apex Court in catena of decisions has categorically observed that the writ petition against private companies is not maintainable.

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, this Court declines to exercise power under writ jurisdiction. Accordingly, the writ petition is ***dismissed.***

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.: 1 Sl No.: 11