



HC-KAR

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NC: 2026:KHC:34206
WP No. 1017 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 1017 OF 2023 (GM-DRT)

BETWEEN:

1. P.VADIRAJ ACHARYA,
S/O. MR.SRINIVASA ACHARYA,
AGED ABOUT 56 YEARS,
2. MRS. JAYANTHI,
W/O. MR. P.VADIRAJ ACHARYA,
AGED ABOUT 52 YEARS,

BOTH ARE R/AT DOOR NO.7-50,
WAIPADI HOUSE, SANTHYAR,
POST: PERDOOR-576124.
UDUPI TALUK AND DISTRICT.

...PETITIONERS

(BY SRI. NAVEEN KUMAR M.G., ADVOCATE FOR
SRI. K .SHASHIKANTH PRASAD, ADVOCATE)

AND:

THE AUTHORIZED OFFICER
AND CHIEF MANAGER,
UNION BANK OF INDIA,
HIRIYADKA-576113.
UDUPI DISTRICT.

...RESPONDENT

(BY SMT. DIVYA PURANDAR, ADVOCATE)

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





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

ORAL ORDER

Sri.Naveen Kumar M.G., counsel on behalf of
Sri.K.Shashikanth Prasad, for the petitioners and Smt.Divya
Purandar, counsel for respondent appeared in person.

2. This petition is filed seeking following reliefs:

- (a) *To set aside the order dated 01.08.2022 in Crl.Misc.No.122/2022 passed by the Prl. Senior Civil Judge and CJM, Udupi (Annexure-C).*
- (b) *Grant such other relief/s as this Hon'ble Court deems fit to grant under the circumstance of the petition, in the interest of justice.*

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

4. Suffice it to note that the Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.122/2022 and the Court vide order dated:01.08.2022 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 of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 15