



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF NOVEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 31860 OF 2024 (GM-RES)

BETWEEN:

1. M/S SRIVEN PROPERTIES
REGISTERED PARTNERSHIP FIRM,
OFFICE SITUATED AT
SRIVEN RAG LANDMARK, 5TH FLOOR,
NO.2, WILSON GARDEN, HOSUR ROAD,
BENGALURU-560027
REPRESENTED BY ITS PARTNERS

I) SRI T.J. RAGHAVENDRA MURTHY
II) SMT. C.R.MADHU.

2. SRI.T.J.RAGHAVENDRA MURTHY.
S/O SRI THIMMAIAH
AGED ABOUT 52 YEARS.

3. SMT. C.R. MADHU
W/O SRI.T.J.RAGHAVENDRA MURTHY,
AGED ABOUT 44 YEARS,
NO.1088, SRIVEN MANSION,
NEAR MANIPAL HOSPITAL,
BEML LAYOUT, 5TH STAGE,
RAJARAJESHWARI NAGAR,
BENGALURU-560098.

...PETITIONERS

(BY SRI. RUDRABHUSHAN C. BENAKANALLI, ADVOCATE)

AND:

THE AUTHORIZED OFFICER
BANK OF BARODA
ZONAL STRESSED
ASSET RECOVERY BRANCH,
7TH FLOOR, VIJAYA TOWERS,





TRINITY CIRCLE
41/2, M.G.ROAD
BENGALURU-560 001
CHIEF MANAGER, V.M.S. RAJA.

...RESPONDENT

(BY SRI. PRAKASH HEGDE K., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH / SET ASIDE THE INDIAN EXPRESS NEWSPAPER PUBLICATION ON 19.10.2024 PERTAINING TO AUCTION SALE NOTICE DTD. 18.10.2024 FOR AUCTION SALE ON 27.11.2024 WHICH IS AT ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The petitioners have filed this petition challenging the sale notice issued under Rule 8(6) r/w Section 9 of the Security Interest (Enforcement) Rules, 2002 (for short Security Interest Rules)

2. The sale notice pertains to the enforcement of security interest in the petitioners property in accordance with the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act").

3. In the present circumstances, it is pertinent to note that under Section 17 of the SARFAESI Act, an alternative remedy of appeal is available to the petitioners to challenge



the sale notice issued by the secured creditor. Section 17 of the SARFAESI Act provides for the right of an aggrieved person to approach the Debts Recovery Tribunal (DRT) for redressal of grievances arising out of actions taken under the SARFAESI Act, including the issuance of sale notices.

4. Therefore, the present petition filed without exhausting the alternative remedy provided under the provision of the SARFAESI Act is not maintainable.

5. Accordingly, the petition stands disposed of.

6. The respondent-Bank shall not confirm the sale in favour of the successful bidder if any following the impugned sale notice for a period of four weeks from the date of this order.

**Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE**

HR