



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 10784 OF 2026 (GM-RES)

BETWEEN:

SRI. ADISAYANATHAN KINGSLY,
S/O LATE ADISAYANATHAN,
AGED ABOUT 60 YEARS,
R/AT C/O NAGAIYA SAMY NS SAMUEL,
FLAT NO. 204, STAFF QUARTERS,
GURUKUL THEOLOGICAL COLLEGE, 94,
OURASAWALKAM HIGH ROAD,
KILPAUK, CHENNAI - 600 100

...PETITIONER

(BY SMT. SOFIYA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
SPECIAL DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
DC OFFICE, KG ROAD,
AMBEDKAR VEEDHI,
BENGALURU - 560 009.
2. THE SPECIAL TAHSILDAR,
BENGALURU NORTH TALUK,
KG ROAD,
BENGALURU - 560 009





3. M/S ELEGANT PROPERTIES,
NO.1, COLES ROAD,
FRAZER TOWN,
BENGALURU - 560 005
REP BY ITS DIRECTOR

4. SRI. NIRUP FRANCIS,
AGED MAJOR,
FATHER NAME NOT KNOWN TO PETITIONER,
R/AT NO.2, GETHSEMANE GARDEN,
OPP MANTRI ASTRA APARTMENT,
HENNUR BANDE,
KALYAN NAGAR POST,
BENGALURU URBAN - 560 043

5. SMT. RANI THEJASVI,
AGED MAJOR,
W/O LATE BENJAMIN THEJESWI,
R/AT NO.1, JERUSALEM,
GETHSEMANE GARDEN,
OPP. MANTRI ASTRA APARTMENT,
HENNUR BANDE,
KALYAN NAGAR POST,
BENGALURU URBAN - 560 043.

6. SRI. MANISH MATHEW,
AGED MAJOR,
S/O LATE BENJAMIN THEJESWI,
R/AT NO.1, JERUSALEM,
GETHSEMANE GARDEN,
OPP. MANTRI ASTRA APARTMENT,
HENNUR BANDE, K
ALYAN NAGAR POST,
BENGALURU URBAN - 560 043



7. SMT. IRENE PREETHI,
AGED MAJOR,
D/O LATE BENJAMIN THEJESWI,
R/AT NO.1, JERUSALEM,
GETHSEMANE GARDEN,
OPP. MANTRI ASTRA APARTMENT,
HENNUR BANDE, KALYAN NAGAR POST,
BENGALURU URBAN - 560 043

8. SMT. SUJATHA BALARAJ,
GETHSEMANE GARDEN,
OPP. MANTRI ASTRA APARTMENT,
HENNUR BANDE, KALYAN NAGAR POST,
BENGALURU URBAN - 560 043

...RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TOI. DIRECTING THE 1ST AND 2ND RESPONDENT TO IMPLEMENT THE ORDER OF EXECUTION DATED 06.11.2024 PASSED BY THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY IN COMPLAINT NO. CMP/210205/0004587, IN A TIME BOUND MANNER (ANNEXURE-A) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned writ petition is filed seeking for the following reliefs:-

- "i. Directing the 1st and 2nd Respondents to implement the order of execution dated 06.11.2024 passed by the Karnataka Real Estate Regulatory Authority in Complaint No.CMP/210205/0004587, in a time bound manner (Annexure-A);*
- ii. Directing the 1st Respondent to recover the dues from the 3rd to 8th Respondents as per the Recovery Certificate dated 29.01.2025 bearing No.RERA/KANDAYA/4587/2024-25 issued by the Hon'ble Karnataka Real Estate Regulatory Authority in Complaint No.CMP/210205/0004587, in favour of the petitioner in a time bound manner (Annexure-B);*
- iii. Award cost of the Petition;*
- iv. Grant such other and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case in the interest of justice and equity."*



2. The learned counsel for the petitioner reiterating the grounds has placed reliance on the order of the Co-ordinate Bench passed in W.P.No.10337/2025, which substantially addresses the core issue raised in the captioned writ petition.

3. Heard learned counsel for the petitioner and learned AGA. Perused the records.

4. The grievance of the petitioner is that the Recovery Certificate, which has been issued by the RERA under Section 40(1)(2) of the Real Estate Regulation and Development Act, 2016 (for short 'the Act') and Rule 25 of the Karnataka Real Estate (Regulation and Development) Rules, 2017 ('the K-RERA' for short), has not been enforced by respondent No.1. It is in this backdrop, the petitioner is compelled to knock the doors of the Writ Court seeking aforesaid reliefs.

5. This Court in an identical case has consistently taken view that when a Recovery Certificate is issued by



the RERA under Section 40 of 'the Act' and Rule 25 of 'the K-RERA', respondent No.1 is obligated to take further appropriate steps to recover the amounts mentioned in the Recovery Certificate as arrears of land revenue.

6. Since it is not in dispute that Special Deputy Commissioner is now appointed to act on all the Recovery Certificates issued by the RERA, the petitioner by furnishing the Recovery Certificate has demonstrated their legal right to seek directions at the hands of this Court. Equally, respondent No.1, being a designated Authority, is obligated to enforce the Recovery Certificate obtained by the petitioner. Therefore, this Court proceeds to pass the following;

ORDER

- (i) The writ petition is allowed.
- (ii) A mandamus is issued directing respondent Nos.1 and 2 and the Special Deputy Commissioner now



appointed to execute the Recovery Certificate at Annexure-B and recover the amount within a period of eight weeks from the date of receipt of a copy of this order.

- (iii) The petitioner is at liberty to furnish a list of movable and immovable properties to the Special Deputy Commissioner along with supporting documents.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 1 Sl No.: 19