HC-KAR

NC: 2026:KHC:22994
WP No. 29109 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 29109 OF 2025 (GM-RES)

BETWEEN:

1. BALA KUMAR S
   S/O K SAINATH BABU
   AGED ABOUT 42 YEARS

2. JAYSRI B
   W/O BALAKUMAR S
   AGE ABOUT 37 YEARS

   BOTH RESIDING AT
   A-202, BHAVYA SERENE APARTMENT
   NO.4111, NORBERT CHURCH ROAD
   KASAVANAHALI,
   BENGALURU - 560 035.

...PETITIONERS

(BY SRI. ANANTHA KASHYAP H.K, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER AND DISTRICT MAGISTRATE
   KEMPEGOWDA ROAD
   BEHIND KANDAYA BHAVANA
   BENGALURU URBAN DISTRICT
   BENGALURU - 560 009.

2. FROTIER SHELTERS PVT. LTD.
   NO.422, 80 FEET ROAD
   6TH BLOCK KORAMANGALA

BENGALURU - 560 095.

…RESPONDENTS

(BY SRI. NAVYA SHEKAR, AGA FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO PASS ORDERS AND ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO. 1 TO ACT UPON AND COMPLY WITH THE RECOVERY CERTIFICATE DATED 05.04.2025 VIDE ANNEXURE-B AND RECOVER THE DECRETAL AMOUNT FROM THE RESPONDENT / DEVELOPER WITHIN A PERIOD OF ONE MONTH WITHOUT FAIL FAILING WHICH ACTION BE INITIATED AGAINST THE RESPONDENT NO.1 AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Captioned petition is filed seeking following reliefs:

> *"(a) Pass orders and issue a writ of mandamus directing the Respondent No. 1 to act upon and comply with the recovery certificate dated 05.04.2025 vide Annexure B and recover the decretal amount from the Respondent / Developer within a period of one month without fail failing which action be initiated against the Respondent No.1.*

(b) pass any further order or orders which this Hon'ble Court may deem fit and proper in the interest of justice."

2. Petitioners, home buyers, entered into an agreement of sale on 25.01.2021 in the project launched by respondent No.2. Since respondent No. 2 failed to hand over possession of the flat as agreed, petitioners lodged a complaint with respondent No. 1/authority. Respondent No. 1/authority allowed the complaint vide order dated 07.09.2023 directing respondent No. 2 to pay an amount of Rs.53,08,918/- with interest at the rate of SBI MCLR + 2% from 1.7.2021 till handing over possession of the flat bearing number 2121. Petitioner asserts that on 05.04.2025, the authority had issued the recovery certificate. Despite furnishing recovery certificate, petitioner alleges inaction on the part of respondent No.1 in not enforcing the recovery certificate.

3. The learned counsel for the petitioners 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.

4. Heard the learned counsel for the petitioners and learned AGA.

5. The grievance of the petitioners is that the Recovery Certificate, which has been issued by the RERA under Section 40(1) 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 petitioners are compelled to knock the doors of the Writ Court seeking aforesaid reliefs.

6. This Court in an identical case has consistently taken a 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.

7. 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 petitioners 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 petitioners. Therefore, this Court proceeds to pass the following;

ORDER

(i) The writ petition is allowed.

(ii) A mandamus is issued directing respondent No.1 to execute the Recovery Certificate at Annexure-'B' and recover the amount within a period of two months from the date of receipt of a copy of this order.

(iii) The petitioners are 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

ALB
List No.: 1 Sl No.: 42