HC-KAR

CNR: KAHC010622192024

NC: 2026:KHC:46783
WP No. 29782 of 2024
*C/W WP No. 23452 of 2025*

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

**DATED THIS THE 28TH DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 29782 OF 2024 (GM-RES)**

**C/W**

**WRIT PETITION NO. 23452 OF 2025 (GM-RES)**

**IN WP No. 29782/2024**

**BETWEEN:**

1. MRS. NOEL JOSE
   AGED ABOUT 41 YEARS
   WIFE OF MR. SUJESH JAMES

2. MR. SUJESH JAMES
   AGED ABOUT 42 YEARS
   SON OF MR. C. J. JAMES

   BOTH COMPLAINANT NOS.1 AND 2
   RESIDING AT B-203, TEMPLE TREE APARTMENT
   NARAYANAPPA GARDEN, WHITEFIELD
   BANGALORE-560 066.

3. MRS. PRITI MARKANDRAO VAIDYA
   AGED ABOUT 35 YEARS
   WIFE OF MR. JAYANSH SINGH

4. MR. JAYANSH SINGH
   AGED ABOUT 38 YEARS
   SON OF SHIVRAM SINGH
   BOTH COMPLAINANT NOS.3 AND 4

RESIDING AT B-206, TEMPLE TREE APARTMENT,
NARAYANAPPA GARDEN, WHITEFIELD,
BANGALORE-560 066

5. MR. PALANIYAPPAN V..
AGED ABOUT 36 YEARS
SON OF VAITHIANATHAN
RESIDING AT B-302, TEMPLE TREE APARTMENT
NARAYANAPPA GARDEN
WHITEFIELD, BANGALORE-560 066.

6. MR. VAITHIANATHAN N.,
AGED ABOUT 79 YEARS
SON OF NATESAN
RESIDING AT J 149/1
FIRST MAIN ROAD,
LAKSHMINARAYANPURAM, SRIRAMAPURAM POST,
BANGALORE-560 021

REPRESENTED BY HIS GPA HOLDER
MR. PALANIYAPPAN V.

...PETITIONERS

(BY SMT. KAVITHA DAMODARAN., ADVOCATE)

**AND:**

1. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
KANDAYA BHAVAN, KEMPEGOWDA ROAD
BANGALORE-560 009

2. THE TAHSILDAR
OFFICE OF TAHSILAR
K.R. PURAM, BANGALORE-560 016

3. DISTRICT REGISTRAR
SHIVAJI NAGAR, NO. 122/22
4TH FLOOR, MONARK CHAMBER
INFANTRY ROAD
BANGALORE-560001

…RESPONDENTS

(BY SRI. SHAMANT NAIK., AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R3 TO ENTER THE ORDER OF ATTACHMENT, DATED 18/04/2024 ANNEXURE-C IN THE ENCUMBRANCE CERTIFICATE.

GRANT AN INTERIM PRAYER TO DIRECT THE R3 TO ENTER THE ORDER OF ATTACHMENT, DATED 18/04/2024 VIDE ANNEXURE-C IN THE ENCUMBRANCE CERTIFICATE REFRAIN FROM PUBLISHING PETITIONERS NAME IN ANY LIST OF DEFAULTERS BEING CIRCULATED BY IT.

**IN WP NO. 23452/2025**

**BETWEEN:**

1. MRS NOEL JOSE
AGED ABOUT 43 YEARS
WIFE OF MR. SUJESH JAMES

2. MR. SUJESH JAMES
AGED ABOUT 44 YEARS
SON OF MR. C. J. JAMES
BOTH THE PETITONER NOS.1 AND 2
ARE RESIDING AT B-203

TEMPLE TREE APARTMENT
NARAYANAPPA GARDEN, WHITEFIELD
BANGALORE - 560066

3. MRS. PRITI MARKANDRAO VAIDYA
AGED ABOUT 37 YEARS
WIFE OF MR. JAYANSH SINGH

4. MR. JAYANSH SINGH
AGED ABOUT 39 YEARS
SON OF MR. SHIVRAM SINGH

BOTH THE PETITIONER NOS.3 AND 4
ARE RESIDING AT A-206, TEMPLE TREE APARTMENT
NARAYANAPPA GARDEN
WHITEFIELD, BANGALORE-560 066

5. MR. PALANIYAPPAN V.,
AGED ABOUT 38 YEARS
SON OF MR. VAITHIANATHAN
RESIDING AT B-302, TEMPLE TREE APARTMENT
NARAYANAPPA GARDEN, WHITEFIELD
BANGALORE - 560066

6. MR. VAITHIANATHAN N.,
AGED ABOUT 81 YEARS
SON OF MR. NATESAN
RESIDING AT J 149/1, 1ST MAIN ROAD
LAKSHMINARAYANPURAM
SRIRAMAPURAM POST
BANGALORE-560 021
REPRESENTED BY HIS GPA HOLDER
MR. PALANIYAPPAN V.

7. MR. SUDHANSHU CHANDRA
AGED ABOUT 35 YEARS
SON OF MRS. SUNITA GUPTA
RESIDING AT 52, RALEIGH COURT
CLARENCE MEWS, LONDON SE165GB

REPRESENTED BY HIS GPA HOLDER,
MR. JAYANSH SINGH

8. MRS. SARITA NAIR
AGED ABOUT 35 YEARS
WIFE OF MR. VINEETH VENUGOPAL

9. MR. VINEETH VENUGOPAL
AGED ABOUT 38 YEARS
SON OF MR. VENUGOPALAN NAIR
BOTH THE PETITIONER NOS.8 AND 9 ARE
RESIDING AT A-204, TEMPLE TREE APARTMENT,
NARAYANAPPA GARDEN
WHITEFIELD, BANGALORE - 560066

10. MR. SAMEER KESHAV BARNE
AGED ABOUT 44 YEARS
SON OF MR. KESHAV BARNE
RESIDING AT A-404, TEMPLE TREE APARTMENT
NARAYANAPPA GARDEN
WHITEFIELD, BANGALORE - 560066

11. MR. SRINIVAS GOPALAN
AGED ABOUT 45 YEARS
SON OF MR. SWETHARANYAM GOPALAN
RESIDING AT B-202, TEMPLE TREE APARTMENTS
NARAYANAPPA GARDEN
WHITEFIELD, BANGALORE-560066

12. MS. NAGA KALPANA I
AGED ABOUT 42 YEARS
WIFE OF MR. T. SREENIVAS
RESIDING AT A-403, TEMPLE TREE APARTMENT
NARAYANAPPA GARDEN
WHITEFIELD, BANGALORE 560066

13. MRS. MAMTHA REDDY GANGULA
AGED ABOUT 43 YEARS
WIFE OF MR. GANGADHARA REDDY CHINNA
NARASAPPA GARI

14. MR. GANGADHARA REDDY CHINNA NARASAPPA GARI
AGED ABOUT 43 YEARS
SON OF MR. NARAYANA REDDY C
BOTH THE PETITIONER NOS.13 AND 14 ARE
RESIDING AT 60, SASSAFRAS LN
CHESTER SPRINGS, PA, USA - 19425

REPRESENTED BY THEIR GPA HOLDER
MR. MURALI MANOHARA REDDY V.

...PETITIONERS

(BY SMT. KAVITHA DAMODARAN.,ADVOCATE)

**AND:**

1. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
KANDAYA BHAVAN, KEMPEGOWDA ROAD
BANGALORE - 560009

2. THE TAHSILDAR
OFFICE OF THE TAHSILDAR
K.R. PURAM, BANGALORE - 560016

3. TEMPLE TREE,
M/S ARV INFRASTRUCTURES
REGISTERED UNDER THE PARTNERSHIPS ACT
NO. 728, V.T.KANAKARAJA BUILDING
26TH CROSS, GUNJUR MAIN ROAD
OPPOSITE VARTHUR GOVERNMENT HOSPITAL
BANGALORE-560 087
REPRESENTED BY ITS PARTNERS

...RESPONDENTS

(BY SRI. SHAMANTH NAIK., AGA FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING TO R1 AND 2 COMPLETE THE AUCTION OF THE R3'S PROPERTY TO EXECUTE THE RECOVERY CERTIFICATES ISSUED IN FAVOUR OF THE PETITIONER BY RERA AND TO COMPENSATE THEM FULLY (ANNEXURE A AND ANNEXURE-B (COLLY).

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

**ORAL ORDER**

1. In W.P.No.29782/2024, the petitioners are before this court seeking for the following reliefs:

> *"In the circumstances, the petitioners prays that this Hon'ble Court ought to be pleased, in*

> *the interests of justice and equity, to direct the respondent No.3 to enter the order of attachment, dated 18.04.2024 (Annexure-C) in the Encumbrance certificate, and pass such other orders and/or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

2. Learned Additional Government Advocate has filed a memo enclosing certain documents indicating that a charge in respect to the subject property has been created as per the order dated 18.04.2024.

3. In that view of the matter, the reliefs which have been sought for in the above petition have been already complied with rendering the above petition infructuous. Accordingly, the petition stands ***dismissed as having rendered infructuous***.

4. In W.P.No.23452/2025, the petitioners are before this court seeking for the following reliefs:

> *In the circumstances, the petitioners pray that this Hon'ble Court be pleased, in the interest of justice and equity, to:*
>
> *a) issue an appropriate writ, order or direction to respondent Nos.1 and 2 to*

*complete the auction of the respondent No.3's property to execute the Recovery Certificate issued in favour of the petitioners by RERA and to compensate them fully (Annexure-A and Annexure-B (Colly));*

*b) and pass such other orders and/or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

5. The grievance of the petitioners is that the recovery certificate issued under Section 40 of the RERA Act, 2016, by the Real Estate Regulatory Authority has not been complied with by the respondents by bringing to auction the property of respondent No.3 developer.

6. The learned Additional Government Advocate on instructions submits that the office of the Special Deputy Commissioner has been created for the purpose of implementing the recovery certificate issued under Section 40 of the RERA Act and if given 60 days' time, necessary action would be taken.

7. Further, he submits that if the petitioners were also to furnish details of any unencumbered properties owned by respondent No.3, it would enable speedier action to be taken by respondent No. 1.

8. In that view of the matter, said submissions answering the grievance of the petitioners, the writ petition is ***disposed of*** granting liberty to the petitioners to place on record details of any of the properties owned by respondent No. 3 and directing respondent No. 1 to take action within eight weeks from today.

9. The disbursal of the amounts to be done as per the applicable provisions.

10. Pending IA(s), if any, stands disposed of accordingly.

**Sd/-**
**(SURAJ GOVINDARAJ)**
**JUDGE**

SKS