



NC: 2026:KHC:37114  
WP No. 5781 of 2022

CNR: KAHC010119312022

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

**DATED THIS THE 20<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.I.ARUN**

**WRIT PETITION NO. 5781 OF 2022 (LB-RES)**

**BETWEEN:**

THE BANGALORE TELEPHONES  
EMPLOYEES CO-OPERATIVE  
HOUSING SOCIETY LTD.,  
OFFICE AT NO.63/2/44,  
TELEPHONE LAYOUT,  
SRIGANDADA KAVAL,  
SUNKADAKATTE,  
VISHWANEEDAM POST,  
BANGALORE-560 091.  
REPRESENTED BY ITS PRESIDENT  
GANAPATHI BHAT

...PETITIONER

Digitally  
signed by  
GEETHA P G  
Location:  
HIGH  
COURT OF  
KARNATAKA

(BY SRI.PRABHULING K NAVADGI., LEARNED SENIOR  
COUNSEL FOR  
SRI. SRIVASTHA H K., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
CHIEF SECRETARY,  
VIDHANA SOUDHA,  
AMBEDKAR VEEDHI,  
BANGALORE-01.
2. THE TAHSILDAR,  
KANDAYA BHAVAN,  
BENGALURU SOUTH TALUK.



**CNR: KAHC010119312022**

3. THE CHIEF EXECUTIVE OFFICER,  
BANGALORE SOUTH TALUK PANCHAYAT,  
S CARIAPPA ROAD,  
BANASHANKARI,  
BANGALORE-560 070.
4. THE PANCHAYAT DEVELOPMENT OFFICER,  
CHENNENHALLI GRAM PANCHAYAT,  
BENGALURU SOUTH TALUK,  
BENGALURU – 577 213.
5. THE SECRETARY,  
MAGADI PLANNING AUTHORITY,  
MAGADI – 562 120.

...RESPONDENTS

(BY SMT.PRATHIMA HONNAPURA., AAG A/W  
SMT. SPOORTHY V., HCGP FOR R1 & R2;  
SRI. K M PRAKASH., ADVOCATE FOR R3 & R4;  
SRI. YOGESH D NAIK., ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
QUASH THE IMPUGNED ORDER DATED 24.11.2021 PRODUCED  
AS ANNEXURE-Q ISSUED BY THE R3 AND DIRECTING THE  
RESPONDENTS TO ISSUE E-KHATHA TO THE MEMBERS OF THE  
PETITIONER SOCIETY.

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

CORAM: HON'BLE MR. JUSTICE M.I.ARUN



CNR: KAHC010119312022

NC: 2026:KHC:37114  
WP No. 5781 of 2022

### **ORAL ORDER**

Petitioner is a Co-operative Housing Society, which claims to be the owner of the property which is the subject matter of writ petition. It has purchased the same from a private person and has formed a layout after taking necessary permission from the authorities concerned and has allotted the sites in favour of its members.

2. It is submitted that the respective owners also have constructed buildings and katha also have been issued in their favour. It is also submitted that some of the sites are still retained by the Society and are yet to be allotted in favour of the members. At this juncture, by a letter dated 24.11.2021 (Annexure-Q to the writ petition), respondent No.3 has directed respondent No.4 not to issue e-katha in respect of the entire property which is the subject matter of the writ petition and sanction plan in respect of the sites formed in the land which is the subject



**CNR: KAHC010119312022**

matter of the writ petition. Aggrieved by the same, the present writ petition is filed with the following prayer:

*"i) Issue a Writ in the nature of Certiorari to quash the impugned order dated 24.11.2021 bearing No: BEN.DA.TA.PAN/ASHRAYA SAMITI/CR/10/2021-22 produced as Annexure-Q issued by the Respondent No.3.*

*ii) Issue a Writ of Mandamus, directing the respondents to issue E-Khatha to the members of the Petitioner Society.*

*iii) To pass such orders or orders as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice and equity."*

3. The case of the petitioner - Society is that it is entitled to get the katha in respect of the sites, to which it is the owner and its members are entitled to get the katha in respect of their respective sites over which they have ownership and the impugned communication is illegal and the same is liable to be set aside.



**CNR: KAHC010119312022**

4. Per contra, learned Additional Advocate General appearing for respondents 1 and 2 submits that they have received a communication from the State Endowment Commission that the land belongs to the State Endowment Department and the same has been encroached/granted/otherwise illegally alienated in favour of third parties and hence, action has to be initiated to recover the same. In this regard the State has approached the Land Grabbing Court and has also initiated proceedings under Section 136 of the Karnataka Land Revenue Act. Hence, to avoid multiplicity of proceedings and to prevent creation of third party rights, a communication at Annexure-Q to the writ petition has been issued by the 3<sup>rd</sup> respondent to the 4<sup>th</sup> respondent not to issue e-katha in respect of the properties concerned.

5. The other respondents adopt the arguments made by learned Additional Advocate General.



**CNR: KAHC010119312022**

6. Admittedly as of now, petitioner - Society is the owner of the land which is the subject matter of writ petition. The respondents are challenging their ownership. They are entitled to do so in accordance with law. Until and unless there is any order passed by the appropriate Authority or the Court, there cannot be any impediment on the enjoyment of the property by the present owners. Admittedly, there is no order passed by any appropriate authority in accordance with law restraining the petitioner from enjoying its property.

7. Under the said circumstances, respondent No. 4 refusing to issue e-katha in favour of the petitioner - Society in respect of the lands owned by it, in pursuance of the letter of respondent No. 3 (Annexure-Q to the writ petition) which has to be considered illegal. Under similar circumstances, this Court in W.P. No. 2162/2025, had struck down the decision of the State in refusing to release sites in favour of the developer for sale of the same which was otherwise developed in accordance with law.



CNR: KAHC010119312022

NC: 2026:KHC:37114  
WP No. 5781 of 2022

8. Under the circumstances, petitioner shall be entitled to e-katha in respect of the sites owned by it. Irrespective of the letter issued by respondent No.3 and if other terms and conditions are fulfilled, respondent No. 4 is bound to issue the necessary e-katha. Hence, the following:

ORDER

- i) The impugned communication dated 24.11.2021 bearing No.ಸಂ.ಬೆಂ.ದ.ತಾ.ಪಂ/ಆಶ್ರಯಸಮಿತಿ/ಸಿಆರ್/10/2021-22 issued by respondent No. 3 to respondent No. 4 (Annexure-Q) is hereby quashed.
- ii) If petitioner - Society fulfils other terms and conditions, respondent No. 4 is directed to issue necessary e-katha in favour of the petitioner in respect of the property owned by it.
- iii) It is needless to state that if the State is able to prove its ownership in respect of the property concerned by following the necessary due procedure, irrespective of in whose name the property stands, the State will be entitled to make a claim on the property.



CNR: KAHC010119312022

NC: 2026:KHC:37114  
WP No. 5781 of 2022

iv) The writ petition is ***disposed of*** accordingly.

Sd/-  
(M.I.ARUN)  
JUDGE

VP