



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12175 OF 2026 (GM-RES)

BETWEEN:

1. SMT. ANDAL MURALIDHARAN
W/O K.MURALIDHARAN
AGED ABOUT 60 YEARS
R/AT NO.13, ROHINI VAASTU GRAMAM
MELUR ROAD WEST
SRIRANGAM
TIRUCHIRAPALLI-620 006
TAMIL NADU.
2. SRI.K.MURALIDHARAN
S/O KRISHNASWAMY
AGED ABOUT 64 YEARS
R/AT NO.13, ROHINI VAASTU GRAMAM
MELUR ROAD WEST
SRIRANGAM
TIRUCHIRAPALLI-620 006
TAMIL NADU.

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by NAGARAJA
B M

Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI: P N NANJA REDDY.,ADVOCATE)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BEHIND KANDHAYA BHAVANA
K.G.ROAD
BENGALURU-560 009.



2. THE SPECIAL TAHSILDAR
ANEKAL TALUK
BENGALURU DISTRICT. -562114.
3. M/S.INFINITE BUILDERS AND DEVELOPER
REPRESENTED BY THE
GENERAL MANGER SALES
G.M.PEARL, NO.6
BTM LAYOUT, 1ST STAGE
BENGALURU-560 068.

...RESPONDENTS

(BY SMT: NAVYA SHEKAR, AGA FOR R1 & 2,
NOTICE TO R3 - DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS 1 AND 2 TO IMPLEMENT THE ORDERS OF THE RERA AUTHORITY IN COMPLAINT NO.CMP/00830/2024 DATED 29.07.2025 (ANNEXURE-G) AND THE EXECUTION ORDER DATED 04.10.2025 (ANNEXURE-H) BY AUCTIONING THE PROPERTIES OF THE 3RD RESPONDENT AND PAY THE AMOUNT TO THE PETITIONERS A SUM OF RS.19,14,433/- CALCULATED AS ON 04.10.2025 AND FURTHER INTEREST AS DIRECTED TO THE 3RD RESPONDENT BY THE RERA AUTHORITY VIDE ORDER DATED 11.11.2025 (ANNEXURE-J) TILL THE FULL PAYMENT IS RECEIVED BY THE PETITIONERS AND GRANT ALL THE CONSEQUENTIAL BENEFITS AND ETC.,



THIS WP, COMING ON FOR FINAL 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:-

- "a) Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the respondents 1 & 2 to implement the orders of the RERA Authority in Complaint No.CMP/00830/2024 dated 29.07.2025 (Annexure-G) and the Execution Order dated 04.10.2025 (Annexure-H) by auctioning the properties of the 3rd respondent and pay the amount to the petitioners a sum of Rs.19,14,433/- calculated as on 04.10.2025 and further interest as directed to the 3rd respondent by the RERA authority via order dated 11.11.2025 (Annexure-J) till the full payment is received by the petitioners and grant all the consequential benefits.*
- b) Pass an interim order directing the respondents to recover and pay a sum of Rs.19,14,433/- calculated as on 04.10.2025 and further interest as directed to the 3rd respondent vide order dated 11.11.2025 by the RERA authority till the full payment is received (Annexure-J) during the pendancy of the writ petition.*
- c) Direct the contesting respondents to pay the costs of these proceedings and grant such other relief or*



reliefs as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, in the interest of justice."

2. 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.

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

4. The grievance of the petitioners 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 Nos.1 and 2. It is in this backdrop, the petitioners are 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 Nos.1 and 2 are 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 petitioners by furnishing the Recovery Certificate has demonstrated their legal right to seek directions at the hands of this Court. Equally, respondent No.2, 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 Nos.1 and 2 to execute the Recovery Certificate and recover the amount within a period of eight weeks from the date of receipt of a copy of this order.
- (iii) The petitioners are at liberty to furnish a list of movable and



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immovable properties to the Special
Deputy Commissioner along with
supporting documents.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

BGN
List No.: 1 Sl No.: 9