



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 11999 OF 2022 (GM-RES)

BETWEEN:

SMT. JYOTHI RAMANATH SHETTY
W/O RAMANATH SHETTY
AGED ABOUT 73 YEARS
R/AT NO. 24,
M.N. KRISHNA RAO ROAD,
BASAVANAGUDI
BENGALURU - 560 004.

...PETITIONER

(BY SRI. E. SUHAIL AHMED, ADVOCATE FOR
SRI. SANJAY KRISHNA V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER (REVENUE)
KANDAYA BHAVANA
K G ROAD,
BANGALORE NORTH TALUK
BENGALURU - 560 009.
3. THE SPECIAL THASILDAR
BENGALURU NORTH TALUK
KANDAYA BHAVANA
GROUND FLOOR, K G ROAD



BANGALORE NORTH TALUK
BENGALURU-560 009.

4. REAL ESTATE REGULATORY AUTHORITY KARNATAKA
SILVER JUBILEE BLOCK
UNITY BUILDINGS, CSI COMPOUND
3RD CROSS, MISSION ROAD,
BENGLAURU - 560 027
REPRESENTED BY ITS SECRETARY.
5. SRI. NIRVIKAR SINGH
MAJOR BY AGE
R/AT K407, BRIGADE METROPOLIS
GARUDACHARPALYA
MAHADEVAPURA
BENGALURU - 560 048.
6. NITESH HOUSING DEVELOPERS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT
AND HAVING ITS REGISTERED OFFICE AT
NITESH TIMES SQUARE
NO.8, M.G. ROAD
BENGALURU - 560 001
REPRESENTED BY MANAGING DIRECTOR
SRI. M. NITESH SHETTY.
7. B.R SHETTY AND ASSOCIATES
(NOW KNOWN AS SUNCE CONSTRUCTION
PRIVATE LIMITED)
A COMPANY REGISTERED UNDER
COMPANIES ACT 2013
HAVING ITS REGISTERED OFFICE AT NO.24
M.N. KRISHNA RAO ROAD
BASAVANAGUDI
BENGALURU - 560 004.
REPRESENTED BY MANAGING DIRECTOR
MR. ABHAYRAJ SHETTY.

...RESPONDENTS



(BY SRI. MAHANTESH SHETTAR, AGA FOR R1 TO R3;
SRI. GAUTAM ULLAL, ADVOCATE FOR R4;
R5 AND R7 ARE SERVED AND UNREPRESENTED;
SRI. SIDDARTH SUMAN, ADVOCATE FOR R6)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE DATED 22.02.2022 BEARING M.S.C./RERA/CR/180/2021-22 ISSUED BY THE R-3 WHICH IS PRODUCED AS ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner before this Court claims that in furtherance to the order dated 28.11.2018, which was passed in complaint No.180811/0001131 on the file of Lok-Adalat in the Karnataka Real Estate Regulatory Authority, Bengaluru, directing the respondent-promoter therein who is respondent No.6 herein to return the amount of the complainant/allottee with interest from respective date of payment thereafter recovery certificate has been forwarded to concerned departments to recover the amount as that of land revenue and pay the same to the allottee. The Special Tahsildar-respondent No.3 had sought to



attach the property belonging to the petitioner in terms of Annexure A.

2. Learned counsel for respondent No.6 has filed a memo which reads as under:

"The learned counsel for respondent No.6 submits that the present writ petition arises out of the execution order passed by Respondent No.4 (RERA) in Comp/No.180811/0001131, where the petitioner's property was attached. It is further submitted that the dispute before RERA has since been amicably settled between respondent Nos.5 and 6 on 25.06.2022 before the Lok Adalat, and therefore the present writ petition no longer survives for consideration and is rendered infructuous. The learned counsel for respondent No.6 has furnished a copy of the Joint Memo recording the settlement before the Lok Adalat of the Karnataka Real Estate Regulatory Authority, Bengaluru."

3. Along with the memo, a copy of joint memo is also filed signed by complainant- Sri.Nirvikar Kumar Singh and his counsel. The joint memo reads as under:

"The above named complainant has filed the above complaint seeking certain reliefs as prayed in the complaint.

1. The learned AO after hearing the parties, allowed the complaint by order dated 28.11.2018 directed the respondent/promoter to return the amount of the complainant / allottee with interest from respective date of payment there after recovery certificate has been forwarded to concerned departments to recover the amount as that of land revenue and pay the same to the allottee.

2. At this stage parties after due deliberation of the subject matter of the complaint have got their dispute settled as under:

a) During the pendency of the recovery proceedings project has been substantially completed. Therefore the promoter has agreed to deliver the possession of the



flat allotted to the complainant by executing registered sale deed in his favor within 10 days from today.

b) The developer considering delay on his part in delivering the possession of the flat to the allottee, has voluntarily agreed to adjust the delay compensation payable by them to the allottee against the balance sale consideration payable by the allottee.

c) Promoter has agreed to complete all pending works as stipulated in the agreement and secure OC (Occupancy Certificate) within 8 (eight) months from today and furnish a copy of said OC to the complainant.

d) Promoter has no objection for the complainant to occupy the flat immediately after the execution of sale deed and enjoy the flat.

e) The allottee voluntarily agreed for the adjustment of delay compensation payable to him by the developer against balance sale consideration payable by him to the developer.

f) The allottee agreed to take registered sale deed from the developer by paying registration fee, stamp duty and other miscellaneous expenses payable at the time of registration.

3. Except the above dispute and claim between the parties there is no any other claim/dispute between the parties. If there is any claim/dispute between the parties pending before any court or forum same shall be stand closed as settled by either of the parties to the said dispute by filing a memo in such case/dispute.

4. Parties have entered into the settlement out of their free will and consent.

5. Parties have agreed for recording compromise in National Lok Adalat held on 25.06.2022.

6. In view of the parties entering into this settlement the order passed by RERA issuing RRC and forwarding it to the concerned DC is hereby ordered to be recalled after recording this compromise in the National Lok Adalat and concerned officer of RERA shall communicate to the concerned DC for necessary action thereon."



4. That in the light of said order dated 28.11.2018, having been complied with in terms of joint memo referred to above, and matter having been closed, it is urged that the attachment order at Annexure-A which emanates from the said order dated 28.11.2018 be quashed.

5. Since there is no dispute with regard to the aforesaid events, and in the light of claim made by said Sri.Nirvikar Kumar Singh also having been satisfied, Petition is ***allowed.*** Impugned order dated 22.02.2022 at Annexure A is quashed.

SD/-
(M.G.S. KAMAL)
JUDGE