



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 17133 OF 2024 (GM-RES)

BETWEEN:

1. SRI A ANIL KUMAR
S/O LATE S ANJANAPPA
AGED ABOUT 52 YEARS
2. SMT PADMA
W/O SRI A ANILKUMAR
AGED ABOUT 43 YEARS
3. KUMARI MANSI A GOWDA
D/O SRI A ANIL KUMAR
AGED ABOUT 23 YEARS
4. SRI A NARENDAR BABU
S/O LATE S ANJANAPPA
AGED ABOUT 47 YEARS
5. SMT LAKSHMI G
W/O A NARENDRA BABU
AGED ABOUT 35 YEARS
6. SMT. A DEVIKA
D/O LATE S ANJANAPPA
AGED ABOUT 45 YEARS

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



7. SRI A PRASHANTH
S/O LATE S ANJANAPPA
AGED ABOUT 43 YEARS

SL. NO.2 TO 7 ARE REP. BY THEIR GPA
HOLDER SL.NO.1 SRI A ANIL KUMAR

ALL ARE R/AT NO.254, 4TH B CROSS
JAKKUR BENGALURU-560064.

...PETITIONERS

(BY SRI. SAI KIRAN R, ADVOCATE)

AND:

MR RATNAKAR SHETTY
S/O CHIKAYYA SHETTY
AGED ABOUT 43 YEARS
RESOLUTION PROFESSIONAL
OF M/S UNISHIRE LIFE STYLE
DWELLINGS LLP NO.16,
LEVEL 3, SKYLINE TOWER
7TH CROSS, SAMPIGE ROAD
MALLESWARAM, BENGALURU-560003.

...RESPONDENT

(BY SRI. KASHYAP N NAIK, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
& 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE ORDER DATED 28.03.2024 PASSED BY THE
HONBLE NATIONAL COMPANY LAW TRIBUNAL,
BENGALURU IN I.A. No.285/2022 IN CP (IB) No.
32/BB/2020 WHICH IS PRODUCED AS ANNEXURE-A AS
NULL AND VOID.



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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

1. The present writ petition under Article 227 of the Constitution of India has been filed impugning the order dated 20.03.2024 passed by the National Company Law Tribunal¹, Bengaluru Bench, Bengaluru in I.A. No.285/2022 in CP(IB) No.32/BB/2020. The Tribunal, on an application filed by the Resolution Professional has held that the possession of the scheduled property to be taken over by the Resolution Professional and the respondents are directed to remove the illegal temporary construction made on the scheduled property.

2. Learned counsel for the petitioner has vehemently submitted that the Tribunal has wrongly exercised its jurisdiction which is not vested in it. The petitioner is the owner of the property who had entered into a Joint Development

¹ hereinafter referred to as the 'Tribunal



Agreement with the person who is the corporate debtor and the scheduled property is of the petitioner's property.

3. Whether the property is the property of the Corporate Debtor or it is of the third party, this is a question which is the question on merit and it is not a jurisdictional question. Therefore, we are of the view that the Tribunal has not exceeded its jurisdiction while allowing the I.A. No.285/2022 filed by the Resolution Professional. In any view of the matter, the petitioner has a remedy of filing the appeal before the National Company Law Appellate Tribunal² under the provisions of the Insolvency and Bankruptcy Code, 2016 and if, the petitioner feels aggrieved by the impugned order passed by the Tribunal, he should approach the Appellate Tribunal by undertaking the appropriate proceedings as may be available to him under law.

4. With the aforesaid observation, we dispose of this writ petition with liberty to the petitioner to approach the Appellate Tribunal against the impugned order passed by the Tribunal, and if the petitioner files an appeal within a period of four

² hereinafter referred to as the 'Appellate Tribunal'



weeks from today, the Appellate Tribunal should Proceed with the appeal on merit without going to the question of limitation.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(C.M. POONACHA)
JUDGE**

BS
List No.: 1 Sl No.: 20