



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 4050 OF 2021 (CS-RES)

BETWEEN:

1. KETHAMARANAHALLI HOUSE BUILDING
CO-OPERATIVE SOCIETY LTD,
A SOCIETY REGISTERED UNDER THE KARNATKAA
CO-OPERATIVE SOCIETIES ACT, 1959,
HAVING ITS REGISTERED OFFICE AT
NO.125, 1ST MAIN ROAD,
SHARADA COLONY,
BASAVESHWARANAGAR,
BENGALURU - 560 079.

REPRESENTED BY ITS PRESEDIENT,
DR. T N PRAKASH.

...PETITIONER

(BY SRI.P.N.MANMOHAN, ADVOCATE FOR
SRI.YESHU BABA R MISHRA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMETN OF CO-OPERATIVE SOCIETIES,
M. S BUILDING,
BENGALURU - 560 001.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
ALI ASKAR ROD,
BANGALORE - 560 052.
3. THE JOINT REGISTRAR CO-OPERATIVE SOCIETIES,
NO.146, SAHAKARA SOUDHA,



3RD FLOOR, 3RD MAIN ROAD, 8TH CROSS,
MARGOSA ROAD, MALLESHWARAM,
BENGALURU - 560 003.

4. THE ADMINISTRATOR,
KETHAMARANAHALLI HOUSE BUILDING
CO-OPERATIVE SOCIETY LTD,
NO. 146, SAHAKARA SOUDHA,
3RD FLOOR, 3RD MAIN ROAD,
8TH CROSS, MARGOSA ROAD,
MALLESWARAM,
BENGALURU - 560 003.

5. M/S HARINA DEVELOPERS PVT LTD,
A REGISTERED COMPANY,
HAVING ITS OFFICE AT
NO. 47/10/1, 6TH CROSS,
10TH MAIN, 4TH PHASE,
BSK 3RD STAGE,
BENGALURU - 560 085.

REPRESENTED BY ITS
MANAGING DIRECTOR
SRI RAGHAVENDRA REDDY.

6. SRI RAGHAVENDRA REDDY,
S/O NOT KNOWN,
NO.47/10/1, 6TH CROSS
10TH MAIN, 4TH PHASE
BSK 3RD STAGE,
BENGALURU - 560 085.
7. SMT. SUJATHA REDDY,
W/O RAGAVENDRA REDDY,
NO. 47/10/1, 6TH CROSS,
10TH MAIN, 4TH PHASE,
BSK 3RD STAGE,
BENGALURU - 560 085.

...RESPONDENTS

(BY SRI.H.K.KENCHEGOWDA, AGA FOR R1 TO R4;



SRI.D.R.RAVISHANKAR, SENIOR COUNSEL FOR
SRI.SANGAMESH R.B, ADVOCATE FOR R5;
SRI.H.S.SOMNATH, ADVOCATE FOR R6 AND R7)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE PERMISSION GRANTED UNDER LETTER DATED 17.04.2015 PERMITTING THE R-4 TO DISCHARGE THE MORTGAGE DATED 27.08.2012 EXECUTED BY R-5 IN FAVOUR OF THE PETITIONER VIDE ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this writ petition, the petitioner is assailing the letter dated 17.04.2015, permitting respondent No.4 to discharge the mortgage deed dated 27.08.2012 executed by respondent No.5 in favour of the petitioner, vide Annexure-A, and sought for quashing the deed of discharge executed by respondent No.4 in favour of respondent No.5 dated 16.04.2015, *inter alia* seeking a direction to respondent No.5 to 7 restraining them from alienating or encumbering the scheduled property to any



third party other than the members of the petitioner/Society.

2. The relevant facts for adjudication of this petition are that, the petitioner is a society registered and formed for the purpose of allotment of sites to its members at affordable prices. It is also stated that the petitioner had entered into a Memorandum of Understanding (MOU) with respondent No.5 on 09.07.2010 with an obligation to acquire the agricultural land at Bettanagere Village, Nelamangala Taluk, for developing a residential layout for the members of the society. It is also stated that the petitioner/Society had paid Rs.3,05,00,000/- as advance consideration to respondent No.5, and same was acknowledged by respondent No.5 in the MOU. It is also stated that respondent No.5 had undertaken to provide collateral security for the aforementioned consideration paid by the petitioner. Thereafter, a Joint Venture Development Agreement (JDA) was entered into between the petitioner and respondent No.5 on 25.09.2010,



wherein the acknowledgement of receipt of Rs.3,05,00,000/- is also reflected in the JDA.

3. It is the further case of the petitioner/Society that, respondent No.5 executed a Memorandum of Deposit of Title Deeds in favour of the petitioner/Society in respect of the subject land, and respondent No.5 has also duly acknowledged receipt of total sum of Rs.4,89,00,000/- from the petitioner as per the Memorandum of Deposit of Title Deeds. It is further stated that respondent No.5 has registered 19 sites of various dimensions in favour of the members of the petitioner/Society, and the same is to an extent of Rs.93,25,000/-, despite the fact that the petitioner/Society had paid a sum of Rs.4,89,00,000/- to respondent No.5.

4. It is also stated that respondent No.3 appointed respondent No.4 as the Administrator of the petitioner/Society by letter dated 24.01.2015 under Section 28A(5) of the Karnataka Co-operative Societies



Act, 1959 (hereinafter referred to as 'Act'). It is the grievance of the petitioner that, after the appointment of the Administrator, respondent No.5 made several requests to respondent No.4 to discharge the mortgage deeds at Annexure-F. In this regard, respondent No.3 permitted respondent No.4 to execute the discharge deed in favour of respondent No.5. Being aggrieved by the same, the petitioner has presented this writ petition.

5. Heard Sri.P.N.Manmohan, learned counsel appearing for the petitioner and Sri.H.K.Kenchegowda learned AGA for respondent Nos.1 to 4, Sri.D.R.Ravishankar, learned senior counsel appearing on behalf of Sri.Sangamesh R.B, learned counsel for respondent No.5 and Sri.H.S.Somnath, learned counsel for respondent Nos.6 and 7.

6. It is contended by Sri.P.N.Manmohan, learned counsel appearing for the petitioner that, the Administrator appointed by the respondent/State has



acted contrary to the interest of the petitioner/Society. It is further argued that there is no power vested in the respondent Nos.3 and 4 to take action towards the discharge of the deposit of title deeds. Despite the same, the respondent/authorities have issued the impugned letter dated 17.04.2015 authorising the Administrator of the Society to return the title deeds relating to the subject matter of the scheduled properties concerned which is patently illegal. Therefore, sought for interference of this Court.

7. It is also submitted by the learned counsel that the Administrator has acted prejudicially to the interests of the petitioner/Society and thereby, learned counsel invited the attention of the Court to Annexure-H dated 16.04.2015, wherein the proceedings relating to the enquiry have been considered. Learned counsel further referred to the proceedings before the Principal District and Sessions Judge, Bangalore Rural District in A.A.No.19/2014, as well as the criminal proceedings



initiated against respondent No.5 and others in PCR.No.6974/2016, which came to be dismissed. Therefore, it is contended that the petitioner/Society has been left with no remedy and has approached this Court seeking interference, through this writ petition.

8. In this regard, the learned counsel appearing for the petitioner referred to the Judgment of the Hon'ble Supreme Court in the case of ***Dharnidhar Mishra (D) and Another Vs. State of Bihar and Others***, reported in ***(2024) 10 SCC 605*** and contended that even though there is a delay of six years in filing the writ petition challenging the impugned order/letter at Annexure-A, taking into consideration the proceedings before the Criminal Court as well as the Arbitration proceedings referred to above, the petition cannot be rejected on the ground of delay and laches.

9. *Per contra*, Sri.D.R.Ravishankar, learned senior counsel appearing for respondent No.5 submitted that



provision has been made for resolution of disputes between the petitioner/Society and respondent No.5 through an Arbitrator in the Joint Venture Development Agreement at Annexure-D. It is further argued that the petitioner is urging a stale claim before this Court, as the impugned order/letter was passed in the year 2015 and the writ petition has been filed after six years. Therefore, the writ petition deserves to be dismissed on the ground of delay and laches, particularly when third-party rights have been created and several sale deeds have been executed in favour of the members of the NTI Housing Co-operative Society Ltd. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in the case of ***State of M.P. and Others Vs. Nandlal Jaiswal and Others***, reported in ***(1986) 4 SCC 566***, to contend that since third-party rights have been created long ago in respect of the scheduled property, and therefore, no interference is called for in this petition. Accordingly sought for dismissal of this writ petition.



10. Sri.H.K.Kenchegowda, learned AGA for respondent Nos.1 to 4 sought to justify the authorisation made by respondent No.3 to the Administrator of the petitioner/Society as per the impugned letter dated 17.04.2015 at Annexure-A and accordingly sought for dismissal of this writ petition.

11. In the light of the submissions made by learned counsel appearing for the parties, it is not in dispute that the impugned letter dated 17.04.2015 at Annexure-A has been challenged before this Court after six years, as the writ petition has been filed on 20.11.2020.

12. The grievance of the petitioner/Society is that the Administrator appointed by respondent/State has acted prejudicially to the interests of the Society. Accordingly, the challenge has been made to Annexure-A authorising the Administrator to return the documents relating to the deposit of title deeds in favour of respondent No.5. In this regard, the perusal of the



proceedings before the Principal District and Session Judge in A.A.No.19/2014 would indicate that the petitioner/Society had preferred an application under Section 9 of Arbitration and Conciliation Act, 1996 seeking a relief of injunction restraining the respondents therein (respondent No.5 herein), from selling, alienating or creating third-party interest in respect of the suit schedule property. The said proceedings came to be closed by the competent Court and the same has attained finality, as the petitioner has not challenged the same.

13. Being aggrieved by the same, it is also to be noted from the proceedings initiated in the private complaint filed under Section 200 of Cr.PC, in PCR.No.6974/2016, before the IV Additional Chief Metropolitan Magistrate, Bengaluru, against respondent No.5 and other persons including the Administrator, the said complaint came to be dismissed, as the Criminal Court has made an observation that the dispute arises between the parties is entirely of civil in nature and



therefore declined to act on the allegations made in the complaint. Accordingly, the private complaint came to be dismissed on 21.09.2019.

14. In the meanwhile, on perusal of the statement of objections would indicate that several sale deeds have been executed by respondent No.5 as early as 16.06.2016, which are produced at Annexure-R1. Looking into the materials on record, insofar as the allegation made against the Administrator by the learned counsel for the petitioner that the fraud has been committed by the Administrator in ordering the return of the title documents pertaining to the deposit of title deeds is concerned, it is to be noted that though the petitioner has approached the Criminal Court as well as invoked Section 9 of the Arbitration and Conciliation Act, 1996, taking into consideration the fact that the sale deeds have been executed by respondent No.5 in favour of the members of the NTI Housing Co-operative Society Ltd., as reflected at



Annexure-R1, the third-party rights have been created nearly nine years ago.

15. Therefore, I am of the view that the claim made by the petitioner at this stage, particularly when there is a delay of six years in challenging the impugned letter dated 17.04.2015 at Annexure-A. It is to be noted that, suffers from the inordinate delay, in view of the fact that third-party rights have been created way back in the year 2016, no interference is called for in this petition. Accordingly, I am of the view that, the writ petition cannot be accepted and is liable to be dismissed on the ground of delay and laches.

16. It is also to be noted that as the learned counsel appearing for the petitioner has referred to the judgment of the Hon'ble Supreme Court in the case of Dharnidhar Mishra (supra), however, a perusal of the aforementioned judgment would indicate that it relates to a notification issued by the competent authority under the provisions of



the Land Acquisition Act. The disputed facts in the present case are altogether different from those involved in the aforesaid case referred to above. Therefore, I am of the view that, the same cannot be accepted in the present writ petition. Accordingly, the writ petition is ***dismissed.***

**SD/-
(E.S.INDIRESH)
JUDGE**

KVR
List No.: 2 Sl No.: 36