



CNR: KAHC010403942021

NC: 2026:KHC:48098
WP No. 19643 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 19643 OF 2021 (KLR-RES)

BETWEEN:

1. M/S KRISHI TECHNOLOGIES PVT LTD
(A COMPANY INCORPORATED
UNDER THE COMPANIES ACT)
REGISTERED OFFICE AT NO.40/1A,
3RD FLOOR,
BASAPPA COMPLEX,
LAVALLE ROAD,
BENGALURU- 560001.
REPRESENTED BY ITS DIRECTOR
SMT. SUNITA GUPTA.

...PETITIONER

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

(BY SMT.LAKSHMY IYENGAR, SENIOR COUNSEL FOR
SRI N GOWTHAM RAGHUNATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
MULTI-STOREYED BUILDING,
DR.AMBEDKAR VEEDHI,
BENGALURU-560001,
REPRESENTED BY ITS
PRINCIPAL SECRETARY.



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2. DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
KANDAYA BHAVANA, K.G.ROAD,
BENGALURU-560009.
3. ASSISTANT COMMISSIONER
BENGALURU NORTH,
KANDAYA BHAVANA, K.G.ROAD,
BENGALURU-560009.
4. TAHASILDAR
BANGALORE NORTH (ADDITIONAL) TALUK,
MINI VIDHANA SOUDHA,
YELAHANKA, BENGALURU 560064.
5. ASSISTANT DIRECTOR OF LAND RECORDS
DEPARTMENT OF SURVEY, SETTLEMENT AND LAND
RECORDS, GOVERNMENT OF KARNATAKA,
OFFICE AT K.R.CIRCLE,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R5 TO SURVEY, DEMARCATE AND FIX THE BOUNDARIES OF THE PROPERTY NO. BLOCK 1, 2, 3, 4, 5, 33 AND 34 IN SY.NO.42 OF KAMKSHIPURA VILLAGE, HESARAGATTA HOBLI, BANGALORE (NORTH ADDL.) TALUK, BANGALORE MEASURING 06-30 (ACRE-GUNTAS) AS COVERED UNDER THE SALE CERTIFICATE DATED 29.08.2009 VIDE ANNEXURE-D AND THE SKETCH AT ANNEXURE-C DATED 09.10.2006 AND SIMULTANEOUSLY DIRECTING THE R2 AND 4 TO DELIVER POSSESSION WITHIN A TIME FRAME TO BE FIXED BY THIS HONBLE COURT.

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



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ORAL ORDER

In this writ petition, petitioner has sought for writ of mandamus directing the respondent No.5 to survey, demarcate and fix the boundaries in respect of the property Nos.Block 1 to 5, 33 and 34 in Sy. No.42 of Kamakshipura Village, Hesaraghatta Hobli, Bengaluru North Additional Taluk, Bangalore, measuring 6 acres 30 guntas as per the sale certificate dated 29.08.2009 (Annexure - D) and sketch at Annexure - C dated 09.10.2006 and to deliver the possession to the petitioner accordingly.

2. Heard Smt.Lakshmy Iyengar, learned Senior Counsel appearing on behalf of Sri N Gowtham Raghunath, learned counsel for the petitioner and learned High Court Government Pleader appearing for respondents No.1 to 5.

3. Smt.Lakshmy Iyengar, learned Senior Counsel appearing for the petitioner, referred to the public auction, dated 15.12.2008 and submitted that, the petitioner has



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made an application, and participated in the bid held on 15.12.2008, and thereby, the petitioner was successful in the bid by placing the highest bid of Rs.1,19,00,000/- and remitted the extent of 25% of the bid amount to the government on 24.02.2009, and an extent of 75% on 20.02.2009. It is further contended by the learned Senior Counsel for the petitioner that, respondent No.2 has issued the certificate of sale in respect of the subject land, as per Annexure - D dated 29.08.2009 specifying the schedule in respect of the land in question to be allotted in favour of the petitioner pursuant to the public auction. It is also stated that, the petitioner herein has approached this Court, in the earlier round of writ petition in WP No.36497/2019 and this Court vide order dated 25.02.2021 (Annexure - J), directed the petitioner herein to approach the respondent - Authorities as to conduct phodi in respect of the land in question. Accordingly, the petitioner has made a representation dated 03.03.2021 (Annexure-K). However, despite the land in question being



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auctioned in favour of the petitioner as per the sale certificate, the respondent - Authorities have not taken steps to survey the land in question with appropriate demarcation and the boundaries have not been fixed by the respondent - Authorities in terms of the sale certificate produced at Annexure-D, and accordingly the learned Senior Counsel appearing for the petitioner has sought for interference of this Court.

4. Per contra, learned High Court Government Pleader appearing for respondents No.1 to 5, submitted that, there is no impediment for conducting phodi in respect of the actual possession of the land in question by the petitioner, by the respondent - Authorities as to demarcate and to fix the boundaries, and accordingly sought for dismissal of the petition. However, the learned High Court Government Pleader seeks reasonable time to complete the entire proceedings.



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5. In the light of the submissions made by the learned counsel appearing for the parties, and on careful consideration of the writ papers would indicate that, pursuant to the public auction, held on 15.12.2008 by the respondent - Authorities, the schedule property was auctioned in favour of the petitioner herein as the petitioner was successful in the bid, and accordingly, the petitioner has paid 25% of the bid amount to the respondent - Authorities on 24.02.2009 and 75% of the bid amount was paid on 20.02.2009, wherein the total consideration has been specified as Rs.1,19,00,000/-. It is forthcoming from the writ petition that, the respondent - Authorities have confirmed the sale as per the OM dated 29.08.2009 at Annexure - B and sketch is also prepared as to the boundaries of the land which requires to be allotted to the petitioner as per Annexure - C, and thereafter, sale certificate has been issued on 29.08.2009 (Annexure-D).



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6. In that view of the matter, recently the Hon'ble Supreme Court in the case of **Kavitha vs Dhanalakshmi** in **SLP (Civil) No.5987/2018** has held that, the issuance of the sale certificate by the respondent - Authorities is equivalent to the registered sale deed made in favour of the allottee. In that view of the matter, I find force in the submission made by the learned Senior Counsel appearing for the petitioner that, though the land in question has been auctioned in favour of the petitioner, pursuant to the public auction held on 15.12.2008 and also the respondent - Authorities had received the total consideration of Rs.1,19,00,000/- during 2009 itself, and therefore, the action on the part of the respondent - Authorities, refusing to conduct survey, demarcate and fix the boundaries is accordingly deprecated.

7. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the aforementioned case, it is the duty of the respondent



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Nos.2 to 5 herein, to conduct survey, demarcate the land specified as per the sale certificate produced at Annexure-D and to fix the boundaries in respect of the property thereunder and deliver the possession of the said land to the petitioner within a period of four months from the date of receipt of certified copy of this order.

Accordingly, writ petition is allowed.

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

BKM

List No.: 1 Sl No.: 88