



CNR: KAHC010511872026

NC: 2026:KHC:42142
WP No. 23340 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 23340 OF 2026 (GM-RES)

BETWEEN:

1. MR. SIVASANKARAN M S,
S/O M V SIVAKUMAR
AGED ABOUT 70 YEARS,
RESIDING AT NO.748/B,
1ST A CROSS, A BLOCK,
VINAYAKA NAGAR,
HAL OLD AIRPORT ROAD,
BENGALURU - 560 017
2. MR. SIVARAMAKRISHNAN M S,
S/O SIVASANKARAN M.S
AGED ABOUT 37 YEARS,
RESIDING AT NO.748/B,
1ST A CROSS, A BLOCK,
VINAYAKA NAGAR,
HAL OLD AIRPORT ROAD,
BENGALURU-560 017

... PETITIONERS

(BY SRI. SINDHU V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE DEPUTY COMMISSIONER,
HAVING ITS OFFICE AT KEMPEGOWDA ROAD,
BEHIND KANDAYA BHAVANA,
BENGALURU URBAN DISTRICT,
BENGALURU - 560 009.
2. M/S. MYTHRI HOUSING PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT SOLUS,

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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FLOOR 11, NO.2, 1ST CROSS, JC ROAD,
BENGALURU - 560 027,
REPRESENTED BY ITS
AUTHORISED SIGNATORY

3. M/S. GURURAJ ENTERPRISES PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
NO.8, GROUND FLOOR, PLOT NO.13/39,
JIVAN MAHARAJ CHAWL, MOTA MANDIR,
JM COMPOUND, CHANDI GULLY,
MUMBAI - 400 002,
REPRESENTED BY ITS
AUTHORISED SIGNATORY

... RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO 1. ISSUE A WRIT OF MANDAMUS, OR ANY OTHER WRIT, ORDER OR DIRECTION, DIRECTING RESPONDENT NO.1 TO FORTHWITH ENFORCE RECOVERY OF THE SUM OF RS.1,23,62,078/- (RUPEES ONE CRORE TWENTY-THREE LAKHS SIXTY-TWO THOUSAND AND SEVENTY-EIGHT ONLY), TOGETHER WITH FURTHER INTEREST ACCRUING AT MCLR + 2% PER ANNUM FROM 17.08.2025 TILL THE DATE OF REALISATION, DUE FROM RESPONDENT NOS.2 AND 3, IN ACCORDANCE WITH THE PROCEDURE FOR RECOVERY PRESCRIBED UNDER THE KARNATAKA LAND REVENUE ACT, 1964 AND THE RULES MADE THEREUNDER, IN FURTHERANCE OF THE EXECUTION ORDER DATED 16.08.2025 ANNEXURE-B AND THE RECOVERY CERTIFICATES DATED 12.10.2025 ANNEXURE-C AND 12.11.2025 ISSUED UNDER SECTION 40(1) OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 READ WITH RULE 25 OF THE KARNATAKA REAL ESTATE (REGULATION AND DEVELOPMENT) RULES, 2017, WITHIN AN OUTER TIME-LIMIT AS THIS HON'BLE COURT MAY DEEM FIT AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. Learned Additional Government Advocate accepts notice for respondent No.1. Notice to respondents 2 and 3 is dispensed with since they are not required to be heard in the present matter.
2. Petitioners are before this Court seeking for the following reliefs:
 - i) *Issue a Writ of Mandamus, or any other writ, order or direction, directing Respondent No.1 to forthwith enforce recovery of the sum of Rs.1,23,62,078/- (Rupees One Crore Twenty-Three Lakhs Sixty-Two Thousand and Seventy-Eight Only), together with further interest accruing at MCLR + 2% per annum from 17.08.2025 till the date of realisation, due from Respondent Nos.2 and 3, in accordance with the procedure for recovery prescribed under the Karnataka Land Revenue Act, 1964 and the Rules made thereunder, in furtherance of the Execution Order dated 16.08.2025 Annexure-B and the Recovery Certificates dated 12.10.2025 Annexure-C and 12.11.2025 issued under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 25 of the Karnataka Real Estate (Regulation and Development) Rules, 2017, within an outer time-limit as this Hon'ble Court may deem fit;*
 - ii) *Issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing*



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Respondent No.1 to initiate and complete all steps prescribed under the Karnataka Land Revenue Act, 1964, including but not limited to attachment, proclamation and sale of the properties and assets of Respondent Nos.2 and 3, in accordance with law, for realisation of the amount due to the Petitioners;

- iii) Direct Respondent No.1 to file a status/compliance report before this Hon'ble Court within such time as this Hon'ble Court may deem fit;*
- iv) Grant costs of the present proceedings;*
- v) Issue any other appropriate writ, order or direction as this Hon'ble Court may deem just and proper in the facts and circumstances of the instant case, in furtherance of the interests of justice and equity."*

3. The grievance of the petitioners is that the petitioners having approached the Real Estate Regulatory Authority and order having passed in favour of the petitioners, recovery certificates under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 had been issued on 12.10.2025 and 12.11.2025 at Annexures - 'B' and 'C' respectively, which the petitioners claim has not



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been implemented and it is in that background, the petitioners are before this Court.

4. Learned Additional Government Advocate on instructions, submits that on office of the Special Deputy Commissioner has been constituted for the purpose of implementation of all orders passed by the Real Estate Regulatory Authority and the recovery certificates which have been issued. He submits that, given 4 weeks time, the order in the present matter would be implemented.
5. The said submission of the learned AGA answers the grievance of the petitioners. Placing the said submission on record, petition stands ***disposed of***.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

VP