



CNR: KAHC010543122026

NC: 2026:KHC:52961
W.P. No.24754/2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF SEPTEMBER, 2026**

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO.24754/2026 (CS-RES)

BETWEEN:

1. MR. SHANKARA MURTHY H.C.
S/O MR. CHALUVA SETTY
AGED ABOUT 49 YEARS
R/AT NO.629, FLAT NO.203
1ST MAIN, C BLOCK, AECS LAYOUT
KUNDALAHALLI, MARATHAHALLI
BENGALURU 560037.
2. MR. VIJAYAKUMAR HULAGANAHALLY
CHALUVASETTY
S/O MR. CHALUVA SETTY
AGED ABOUT 47 YEARS
R/AT NO.240, APRAMEYA
A BLOCK, 1ST MAIN ROAD
AECS LAYOUT, KUNDALAHALLI
MARATHAHALLI, BENGALURU 560037.
3. MR. ARUNA KUMAR H.C.
S/O MR. CHALUVA SETTY
AGED ABOUT 45 YEARS
R/AT NO.240, APRAMEYA
A BLOCK, 1ST MAIN ROAD,
AECS LAYOUT, KUNDALAHALLI,
MARATHAHALLI, BENGALURU 560037.

...PETITIONERS

(BY SRI. GIRISH KUMAR B.M. ADVOCATE)



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AND:

1. BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK WEST
BENGALURU- 560020
REPRESENTED BY ITS
COMMISSIONER.
2. THE AIRCRAFT EMPLOYEES'
CO-OPERATIVE SOCIETY LTD
NO.15, 1ST CROSS, C.K.C. GARDEN
OPP. H.C.G. HOSPITAL
K.H. ROAD (DOUBLE ROAD)
BENGALURU 560027
REPRESENTED BY ITS
CHIEF SECRETARY
(CO-OP. SOCIETY REGISTERED UNDER
KARNATAKA CO-OP. SOCIETIES ACT).

...RESPONDENTS

(BY SRI. VASANTHA, ADVOCATE FOR R1
SRI. NISHANTH A.V. ADVOCATE, FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND
227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:



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ORAL ORDER

Sri.Girish Kumar.B.M., counsel for the petitioners;
Sri.Vasantha., counsel for respondent No.1 and
Sri.Nishanth.A.V., counsel for respondent No.2 appeared
in person.

2. The petition is filed seeking following reliefs;

- A. Issue a writ in the nature of Certiorari or any other appropriate writ, order or direction, quashing the Endorsement dated:01.07.2026 bearing Ref:A.E.C.S./1436 issued by respondent No.2 vide Annexure-F.
- B. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing respondent No.2 to execute the necessary Deed of Rectification in respect of the additional strip of land measuring 10 feet x 45 feet (450 sq. ft.) situated between Site No.1454 and Site No.1453, AECS Layout, Kundalahalli, Bengaluru, in favor of the petitioners, in accordance with law, within such time as this Court may deem fit.



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C. Pass such other order(s) or grant such other relief(s) as this court deems fit in the facts and circumstances of the case, in the interest of justice and equity.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. The issue involved in the present petition lies within a narrow compass. Suffice it to note that the petitioners are the owners of Site No.1454. They contend that an adjoining strip of land measuring 10 feet × 45 feet, in all measuring 450 sq. ft., is situated between Site No.1454 and Site No.1453, AECS Layout, Kundalahalli, Bengaluru. According to the petitioners, the said marginal strip of land belongs to the second respondent. Since the strip is situated adjacent to their site, the petitioners requested the second respondent to allot the same in their favor.



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Accordingly, the society issued a possession certificate dated 07.01.2026, acceding to the request of the petitioners, and fixed the cost of the said land at Rs.27,42,300/-. Pursuant thereto, the petitioners paid a sum of Rs.5,00,000/- as advance. However, thereafter, the society did not proceed to execute the rectification deed in favor of the petitioners. Instead, relying upon the interim order passed by this Court in W.P.No.9869/2016, the second respondent issued an endorsement dated 01.07.2026. Aggrieved by the same, the petitioners have approached this Court.

It is undisputed that the second respondent is the owner of the additional strip of land and, pursuant to the request made by the petitioners, had agreed to allot the same in their favor and fixed its cost at Rs.27,42,300/-. It is also undisputed that, pursuant thereto, the petitioners paid a sum of Rs.5,00,000/- towards the consideration. In the aforesaid circumstances, rejection of the petitioners'



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request for execution of the rectification deed solely by placing reliance upon the interim order passed by this Court in W.P.No.9869/2016, and consequently issuing the impugned endorsement, cannot be sustained.

Accordingly, the endorsement dated 01.07.2026, vide Annexure-F, is hereby quashed. The second respondent is directed to take necessary steps for execution of the necessary deed in favor of the petitioners upon receipt of the balance consideration from the petitioners within a period of four weeks from today.

5. Resultantly, the writ petition is ***allowed***.

**SD/-
(JYOTI M)
JUDGE**

MRP
List No.: 2 Sl No.: 40