



CNR: KAHC010667342024

NC: 2026:KHC:42822
WP No. 33179 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 33179 OF 2024 (GM-RES)

BETWEEN:

1. SMT.LAKSHMAMMA
55 YEARS
W/O SRI C RAMASWAMY
RESIDING AT NO.C-20
3RD MAIN ROAD, GROUND FLOOR,
LALITAMAHAL NAGARA ALANAHALLI
MYSURU-570 028

... PETITIONER

(BY SRI. P A KULKARNI., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOUSING ROOM NO.213,
II FLOOR, VIKASA SOUDHA
BENGALURU-560 001
2. RAJIV GANDHI RURAL HOUSING
CORPORATION LIMITED (RGRHCL)
WITH ITS REGISTERED OFFICE AT
CAUVERY BHAVAN
9TH FLOOR, C AND F BLOCK
K G ROAD
BENGALURU-560 009
BY ITS MANAGING DIRECTOR

... RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA FOR R1;
SMT. SHILPA RANI, ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS
TO RETURN THE AMOUNT RECEIVED FROM THE PETITIONER TO THE

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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WP No. 33179 of 2024

TUNE OF RS. 15,10,000/- (RUPEES FIFTEEN LAKHS AND TEN THOUSAND ONLY) ALONG WITH A MINIMUM OF 18% INTEREST FORTHWITH 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 SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 - a. *Issue a writ in the nature of mandamus directing the Respondents to return the amount received from the petitioner to the tune of Rs.15,10,000/- (Rupees Fifteen Lakhs and Ten Thousand only) along with a minimum of 18% interest forthwith.*
 - b. *Grant such other relief/s as this Hon'ble Court may deem fit in the circumstance of the case.*
2. A scheme was propounded by the State Government, which is notified in the *Prajavani* newspaper on 19.09.2010, inviting applications which would be chosen on a lottery basis for allotment of flats in the said scheme for construction of one lakh housing scheme in Bangalore.
3. The petitioner was informed that she had been allotted Flat No.37, 'C' Block, Ground Floor, at Talaguppa, Ramanagara District, and an allotment letter was issued on 08.01.2012. Initially, the petitioner was called upon to pay a sum of



CNR: KAHC010667342024

Rs.5,25,000/-. Subsequently, by communication dated 04.12.2021, the petitioner was informed that the revised value of the flat was Rs.15,10,000/-. Thereafter, by another communication dated 19.08.2022, the petitioner was informed that the final value of the flat was Rs.13,25,000/-. The petitioner had initially paid a sum of Rs.2,88,500/- and thereafter paid a further sum of Rs.12,21,500/- on 11.03.2022, which was much prior to the communication dated 19.08.2022, whereby the value of the flat was reduced.

4. Though the aforesaid amounts had been received by the respondents, the respondents failed to complete the construction of the aforesaid project. The petitioner followed up with the respondents and sought handing over of the allotted apartment/flat. However, as the apartment/flat was not ready, the same was not handed over to the petitioner. It is in that background, the petitioner had submitted a representation seeking refund of the monies paid by her to the respondents. The said amount has also not been refunded, the petitioner is before this Court seeking the aforesaid reliefs.
5. When the matter was taken up for hearing learned counsel for respondents had submitted that there are



CNR: KAHC010667342024

various other projects which have been developed by the respondent and if the petitioner were interested, one of those apartments/flats could be allotted to the petitioner. It is in that background that the details were provided to the petitioner who had gone and visited the said apartments and found them unsuitable for their requirements. It is in that background that Sri.P.A.Kulkarni., learned counsel for the petitioner submits that the apartments not being suitable, refund of their monies with interest at 18% be ordered.

6. Undisputably, the respondent has not completed the project towards which the monies were paid. Though there are several reasons or justifications made out as regards pending litigation and/or the like, the fact remains that the respondent has not completed the project, despite the petitioner having paid the monies way back in the year 2022.
7. On the basis of the facts and records, it is also unlikely that the said project would be taken up and completed in a reasonable period of time and it is in that background that the petitioner is not interested in continuing with the allotment made by the respondent but would seek to withdraw the amounts and buy an apartment/flat elsewhere. There can be



CNR: KAHC010667342024

NC: 2026:KHC:42822
WP No. 33179 of 2024

no fault found with the prudence exhibited by the petitioner in doing so, when the mistake is with the respondent in not completing the project. In that view of the matter, this Court passes the following;

ORDER

- i. The writ petition is ***allowed***.
- ii. A mandamus is issued, directing respondents to return the amount advanced by the petitioner with 6% interest per annum calculated from the respective dates on which the amounts were paid till the date of refund of the amounts.
- iii. Needless to say, the petitioner would have to place on record before the respondents the details of the payments made with appropriate proof of such payments, as also execute such document as may be necessary and comply with all formalities.
- iv. Respondents shall consider the said documents and refund the monies within a period of 30 days of the said documents having been submitted by the petitioner, along with interest as aforesaid.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**