



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 31752 OF 2025 (BDA-)

BETWEEN:

1. PRAKASH JAIN
SON OF LATE NAINMAL JAIN,
AGED ABOUT 36 YEARS,
RESIDING AT 402, 4TH FLOOR,
NO. 41/3, VANIVILAS ROAD,
SHANKARPURAM,
BENGALURU - 560 004.
2. JAI CHAND
SON OF MITHALAL,
AGED ABOUT 58 YEARS,
RESIDING AT 18/20, 5TH MAIN,
GANGANAGAR, RT NAGAR,
BENGALURU - 560 032.

...PETITIONERS

(BY SRI. ABHINAY Y.T., ADVOCATE)

AND:

1. THE BANGALORE DEVELOPMENT AUTHORITY,
T CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 020,
REPRESENTED BY ITS
COMMISSIONER.



2. REVENUE OFFICER,
NORTH DIVISION,
BANGALORE DEVELOPMENT AUTHORITY,
BENGALURU - 560 020.
3. SVS PROPERTIES INDIA PVT. LTD.,
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1955
AND HAVING ITS REGISTERED OFFICE
AT NO.216/13, 27TH CROSS,
3RD BLOCK, JAYANAGAR,
BENGALURU - 560 011,
REPRESENTED BY ITS
MANAGING DIRECTOR,
SVS SUDHEER BABU.
4. CANARA BANK,
ASSET RECOVERY MANAGEMENT BRANCH-1,
NO.86, SPENCERS TOWERS,
MG ROAD, BENGALURU - 560 001,
REPRESENTED BY ITS
AUTHORIZED SIGNATORY.
5. MS. SURAKSHA JAYRAM,
DAUGHTER OF N JAYARAM,
AGE NOT KNOWN TO PETITIONER,
RESIDING AT NO.567/7, 5TH MAIN,
9TH CROSS, HOPCOMS BACKSIDE,
SADASHIVANAGAR,
BENGALURU - 560 080.
6. N JAYARAM,
RETIRED AS COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
RESIDING AT NO.567/7, 5TH MAIN,



9TH CROSS, HOPCOMS BACKSIDE,
SADASHIVANAGAR,
BENGALURU - 560 080

...RESPONDENTS

(BY SRI. MURUGESH V. CHARATI, ADV. FOR R1 AND R2;
SRI. VIGNESH S. SHETTY, ADV. FOR R4;
SRI. ARJUN RAO, ADV. FOR R5;
SRI. SAMEER SHARMA, ADV. FOR R6;
NOTICE TO R3 IS D/W VIDE ORDER DATED 30.01.2026)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
BEARING NO.BEASPRA SANKYA 1217 DATED 23.5.2025
PASSED BY THE 1ST RESPONDENT (ANNEXURE-G) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

W.P.No.31752/2025 is de-linked from connected
matters and ordered separately. Notice to respondent No.3
is waived off.

2. The petitioner has sought for setting aside of
the order at Annexure-G, passed by the 1st respondent.
Annexure-G are the proceedings of the respondent-
Bangalore Development Authority (BDA) which has
culminated into an office order, whereby katha effected in



the name of Prakash Jain, the 1st petitioner herein has been cancelled and file is put up for effecting katha in the name of Canara Bank.

3. The only relevant facts for the limited purpose of disposal of the petition is that 1st petitioner claims to have purchased site No.89 pursuant to a sale deed of 22.04.2017 and the 2nd petitioner thereafter has purchased site No.89 from the 1st petitioner on 12.08.2024. The petitioners submit that they had thereafter made application for effecting of katha in terms of the said deed and accordingly, the respondent - BDA had effected katha in the name of the 1st petitioner at the relevant point of time.

4. It is noticed that respondent No.4 - bank had initiated certain proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short 'SARFAESI Act') with respect to the site in question. Proceedings are sought to



be enforced against the site that was stated to be mortgaged on 30.09.2014, have been effected by the vendor of the 1st petitioner.

5. It is subsequently submitted that in light of proceedings under the SARFAESI Act, property was brought to sale and respondent No.5 is the auction purchaser in whose name sale certificate has been issued on 03.06.2025, and is stated to have been subsequently registered on 08.06.2025.

6. Insofar as the petitioners' prayer that the proceedings before the BDA requires to be set aside insofar as katha standing in the name of 1st petitioner was cancelled without notice to him. Matter requires consideration.

7. Learned counsel for respondent No.5 submits that as on date the respondent-BDA while taking a decision for effecting katha may have to consider the sale certificate in their favour which according to the 5th



respondent has overriding title. Accordingly, it is submitted that the respondent - BDA may be directed to hear both sides i.e., the claimants being petitioners on one hand as well as respondent No.5 on the other hand and proceed to pass appropriate orders.

8. It is also submitted by the counsel for the respondent - bank that respondent No.5 trace their title through actions of the SARFAESI Act by the respondent - bank and the bank would also make their submissions before the respondent - BDA.

9. Learned counsel for the respondent - BDA submits that they would re-examine the matter in light of the facts of rival claims between the petitioners on the one hand and respondent No.5 on the other hand and pass orders as per law.

10. Taking note of the above said facts, the entirety of the dispute regarding effecting of name by way of katha



is relegated to the respondent - BDA in terms of the following:

- i) The respondent - BDA to hear the petitioners as well as respondents No.4 and 5 as may be required and pass appropriate orders after examining the rival claims for making entries in katha.
- ii) Needless to state, that the power of the respondent - BDA is limited only insofar as effecting of revenue entries and cannot exceed such power of adjudicating on title.
- iii) Respondent - BDA to adhere to the principles of natural justice.
- iv) Both the petitioners and respondent No.5 to appear before respondent No.2 - Revenue Officer without further notice on 16.02.2026 at 11.30 a.m.



11. Needless to state, the proceedings at Annexure-'G' would not come in the way of BDA taking a fresh decision as per law.

12. Accordingly, petition is ***disposed of***. All contentions of both sides are kept open.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR