



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO.33226 OF 2025 (GM-CPC)

BETWEEN:

SMT SUMA B. MEKKI,
W/O LATE BASAVARAJ MEKKI,
AGED ABOUT 61 YEARS,
OCC: HOUSEHOLD,
NO.123, 2ND MAIN, 4TH BLOCK,
RAJAJINAGAR, BENGALURU-560 010.

...PETITIONER

(BY SRI.S.P.KULKARNI., SENIOR COUNSEL
FOR SRI VASANTHA KUMAR K M., ADVOCATE)

AND:

1. THE KARNATAKA STATE JUDICIARY
EMPLOYEES HOUSE BUILDING
CO-OPERATIVE SOCIETY LTD.,
REGISTERED OFFICE AT
NO.7/2, SURYA CHAMBERS,
2ND FLOOR, 1ST MAIN ROAD,
SHESHADRIPURAM, BENGALURU-560 020,
REPTD BY ITS PRESIDENT.
2. THE SECRETARY,
THE KARNATAKA STATE JUDICIARY,
EMPLOYEES HOUSE BUILDING
CO OPERATIVE SOCIETY LTD.,
REGISTERED OFFICE,
R/O NO.7/2 SURYA CHAMBERS,
2ND FLOOR, 1ST MAIN ROAD,
SHESHADRIPURAM
BENGALURU-560 020.
3. THE STATE OF KARNATAKA,
REPTD., BY ITS SECRETARY,

Digitally
signed by
KAVYA G

Location:
High Court
of Karnataka



DEPARTMENT OF URBAN DEVELOPMENT,
VIKAS SOUDHA,
DR. B R AMBEDKAR VEEDHI,
BENGALURU-560 001.

...RESPONDENTS

(GA SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO (I) QUASH THE ORDER DATED 20.12.2024 MADE IN EX.P.NO.1606/2021 PASSED BY THE XXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU, BEING ARBITRARY, ERRONEOUS AND OPPOSED TO LAW EQUITY AND JUSTICE. (ANNEXURE-L) ETC.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI

ORAL ORDER

Heard learned Counsel for the petitioner.

2. This petition is filed under Article 227 of the Constitution of India seeking a direction for setting aside an order dated 20.12.2024 passed in Execution Petition No.1606/2021 by XXVII Additional City Civil and Sessions Judge at Bengaluru. A further relief is sought for directing the first and second respondents, which is a housing Co-operative Society, to execute a sale deed in favour of the petitioner in respect of schedule Site No.1658 situated in judicial layout near Jakkur Airport formed by the first respondent Co-operative Society. The first respondent Co-operative Society is the



Karnataka State Judiciary Employees House Building Cooperative Society Limited. An alternative relief is also sought for a direction to the court to continue and proceed with Execution Petition No.1606/2021 without reference to the orders of this Court passed in W.P.No.32589/2018 dated 12.11.2024 and to the pendency of W.A.No.26/2024 before the Division Bench of this Court.

3. The petitioner herein is a decree holder who has filed the aforesaid Execution Petition No.1606/2021. It appears that in W.P.No.40994/2002, this High Court has directed the Co-operative Society not to allot or alienate any site until the layout plan submitted by the Co-operative Society is approved and duly sanctioned by the BDA¹ and the State Government.

4. In the order of 03.12.2024, the Executing Court noticed that the decree holder is not a party in the aforesaid writ petition No.40994/2002 and the site in question was allotted to the decree holder on 04.01.1993 with the entire sale consideration being paid by the decree holder and a possession certificate was issued in his favour on 11.08.1994, which is well before the order of the High Court in W.P.No.40994/2002. The

¹ Bangalore Development Authority



award further notices that the award in favour of the decree holder was passed on 16.05.2011. But the judgment debtor has delayed the execution of the sale deed; that in various writ petitions, the High Court has issued directions to either the BBMP² or the BDA to develop civic amenities at the site and to sanction/approve the layout plan within a fixed period time; that the BDA is yet to approve the lay-out plan. The order further observes that the decree holder cannot be indefinitely compelled to wait under the pretext of compliance with the order of the High Court in W.P.No.40994/2002; that the order specifically prohibits new allotment of sites and does not apply to sites already allotted and for which possession has been delivered; that the direction in W.P.No.40994/2022 does not impede the execution of the sale deeds for the sites already allotted and possession of which is delivered prior to the order. Accordingly, the decree holder was directed to furnish a draft sale deed on the requisite document sheets for approval. Further direction was issued to provide additional documents to establish that the scheduled property stands in the name of the judgment debtor.

² Bruhat Bengaluru Mahanagara Palike



5. Thereafter, it appears that the Executing Court, by the impugned order dated 20.12.2024, observed as follows:

"The Counsel for the Decree Holder (DHR) has filed a memo along with the draft sale deed and supporting documents.

The Counsel for the Judgment Debtor has filed an application under Section 151 of the Code of Civil Procedure, 1908, seeking to recall the order dated 03.12.2024, wherein this Court directed the DHR to furnish the draft sale deed.

In support of the application, the Counsel for the JDR has produced a copy of the order passed by the Hon'ble High Court of Karnataka in W.P. No. 32589/2018, dated 12.11.2024. In the said order, the Hon'ble High Court has categorically held that no directions could be issued to Respondent No. 3 who is the JDR in the present proceedings until the disposal of W.A. No. 26/2024.

Given the pendency of W.A. No. 26/2024 before the Hon'ble High Court of Karnataka, particularly concerning the issue of plan sanction, this Court is of the considered view that it would be just and proper to recall the order dated 03.12.2024.

Accordingly, the application filed by the JDR is allowed, and the order dated 03.12.2024 is hereby recalled.

Await orders in W.A. No. 26/2024, by 05.02.2025."

6. It is evident from perusal of the impugned order that the learned Counsel for the judgment debtor had produced a copy of the order dated 12.11.2024 passed by this Court in W.P.No.32589/2018 in which it was observed that no directions could be issued to respondent No.3 therein who is the



judgment debtor in the present proceedings until the disposal of W.A.No.26/2024. The Executing Court was of the considered view that given the pendency of W.A.No.26/2024 particularly concerning the issue of plan sanction, it would be just and proper to recall the previous order of 03.12.2024. Accordingly the application filed by the judgment debtor was allowed and the order of 03.12.2024 was recalled. Finally the Court has directed that the orders in W.A.No.26/2024 be awaited.

7. The order of 12.11.2024 is passed in W.P.No.32589/2018 is on record, which reads as under:

1. The petitioner is before this Court seeking for the following reliefs;
 - a. Issue a Writ, Order or Directions in the nature of Mandamus directing the Respondents to consider the representation dated 26.12.2016 and 25.10.2017 vide Annexure-A and B and execute the registered Sale Deed in favour of the Petitioner in respect of the Scheduled Site;
 - b. Issue any other appropriate Writ, Order or Directions as this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice and equity.
2. Learned counsel for respondent No.3 submits that until a plan is sanctioned by the Bangalore Development Authority (BDA), no allotment could be made and the issue regarding the plan sanction was pending in WA No.26 of 2024.



3. Learned counsel for the Petitioner submits that the petitioner would be filing an impleading application in the said pending proceedings.
4. If that be so, since no order can be passed in the present petition which is for mandamus until WA No.26 of 2024 is disposed and until disposed favourably to the respondent No.3, no direction could be issued to respondent No.3.
5. With the above observation, the petition stands disposed of, reserving liberty to the petitioner to once again approach this Court after the disposal of WA No. 26 of 2024."

8. The contention of learned Counsel for the petitioner is that the possession of the property in dispute was handed over to the petitioner well before the order passed in W.P.No.40994/2022. The entire sale consideration has also been paid long time back. Therefore, there is no option for the judgment debtor but to execute the sale deed in favour of the decree holder/petitioner. It is stated that in the order passed in W.P.No.40994/2002, only prohibition is with regard to sites that are to be newly allotted and not with regard to sites that are already allotted and for which possession has been delivered. It has also been stated that similarly situated petitioners have filed various petitions in which orders have



been issued by the Court permitting the sale deeds to be executed. However, no such order passed by the High Court has been filed in this petition.

9. Be that as it may, the issue concerns sanctioning of the layout plan in which the site of the petitioner is situated. Respondent No.3 in W.P.No.32589/2018 is none other than petitioner in this petition who is the judgment debtor. It is but obvious and it is also admitted to the learned Counsel for the petitioner that without sanction of a layout plan, there can be no sanctioned building plan. Moreover, the site layout plan that may be ultimately sanctioned by the BDA may or may not contain alterations in the roads, amenities and plot dimensions. All this cannot be foreseen at this stage. Therefore, it is also in the interest of the petitioner that the lay out plan be first sanctioned by the BDA before the award is executed.

10. This Court is in respectful agreement with the order dated 12.11.2024 passed by the learned Judge in W.P.No.32589/2018. In this view of the matter, this Court find that the impugned order of the Executing Court dated



20.12.2024 is justified. The petitioner must await the outcome of W.A.No.26/2024.

11. At this stage, learned Counsel for the petitioner states that he may be permitted to get himself impleaded in W.A.No.26/2024. Though I am not inclined to issue any such direction, it is, however, always open for the petitioner to move any lawful application before the Court as advised.

12. In view of the aforesaid, this Court find no reason to interfere in the impugned order passed by the XXVII Additional City Civil and Sessions Judge, Bengaluru dated 20.12.2024 in Execution petition No.1606/2021 and this petition is therefore dismissed.

The Registry of this Court is directed to communicate this order to the concerned trial Courts within fifteen days from today so that it is kept on the record.

Sd/-
(JAYANT BANERJI)
JUDGE