HC-KAR

NC: 2026:KHC:61520
WP No. 1369 of 2016

CNR: KAHC010160062016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 1369 OF 2016 (KLR-RES)

BETWEEN:

1. SMT. P. DIVYA
   D/O LATE PRATAP PRABHU
   AGED ABOUT 31 YEARS
   HOUSEWIFE
   R/A NO.25, NEAR M L A HOUSE
   MUNNEKOLALU MAIN ROAD
   MUNNEKOLALU VILLAGE
   BANGALORE EAST TALUK
   BENGALURU-560037.

...PETITIONER

(BY SRI. D.P. MAHESH, ADVOCATE)

AND:

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   DEPARTMENT OF REVENUE
   M S BUILDING
   DR. B.R. AMBEDKAR VEEDHI
   BENGALURU-56001.

2. THE DEPUTY COMMISSIONER
   BANGALORE URBAN DISTRICT
   K G ROAD, BENGALURU-560009.

…RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 19.1.2010 ISSUED BY RESPONDENT NO.2 VIDE ANNEXRE-S AS THE SAME IS ARBITRARY, ILLEGAL AND WITHOUT AUTHORITY OF LAW; 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 E.S.INDIRESH

ORAL ORDER

1. Heard Sri. D.P. Mahesh, learned counsel appearing for the petitioner, and Sri. Aditya Diwakara, learned Additional Government Advocate appearing for the respondent-State.

2. In this writ petition, the petitioner is assailing the order dated 19.01.2010 (Annexure-S) passed by respondent No.2, *inter-alia*, seeking a direction to respondent No.2 to receive the remaining 75% of the

bid amount in respect of the schedule property and to issue a sale certificate in favour of the petitioner.

3. Having heard the learned counsel appearing for the parties, it is not in dispute that the land in question was allotted in favour of the petitioner vide letter dated 26.12.2008 and that the petitioner had paid 25% of the bid amount prior to the auction proceedings.

4. Taking into consideration the grounds urged in the writ petition, particularly the contention that it is the duty of respondent No.2 to put up a fence around the subject land and thereafter call upon the petitioner to pay the remaining 75% of the bid amount, and further having regard to the order dated 17.09.2026 passed in W.P.No.26684 of 2015, I pass the following:

ORDER

i. The writ petition is ***allowed***.

ii. The order dated 19.01.2010 (Annexure-S) passed by respondent No.2-Deputy Commissioner is hereby quashed. A writ of mandamus is issued to respondent No.2 to receive the remaining 75% of the bid amount and issue a sale certificate in favour of the petitioner within a period of two months from the date of receipt of a certified copy of this order.

iii. The amount deposited by the petitioner pursuant to the memo dated 21.01.2016 shall be transferred to respondent No.2, subject to the learned Additional Government Advocate furnishing the

relevant bank account details of respondent No.2 within a period of two weeks from the date of receipt of a certified copy of this order.

iv. It is further directed that respondent No.2 shall put up a fence around the land allotted in favour of the petitioner. However, the cost of putting up such a fence shall be borne by the petitioner.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 49