IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 9925 OF 2026 (GM-RES)

BETWEEN:

1. MR. UMESH,
S/O MADDAPPA,
AGED ABOUT 44 YEARS,
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR, SURVEY NO.244,
5TH MAIN ROAD,
LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-560068

2. MS. SARANYA M.
D./O MURALI,
AGED ABOUT 27 YEARS,
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR, SURVEY NO.244,
5TH MAIN ROAD,
LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI.
BENGALURU SOUTH TALUK,
BENGALURU-560068.

3. MR. PUNEETH KUMAR T.H.
S/O HALESH KUMAR,
AGED A BOUT 29 YEARS,
RERSIDING AT
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR,
SURVEY NO.244, 5TH MAIN ROAD,

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Location: HIGH COURT OF KARNATAKA

LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI
BENGALURU SOUTH TALUK,
BENGALURU-560068

4. MRS. MANGALA GOWRI,
W/O HALESH KUMAR,
AGED ABOUT45 YEARS.
RERSIDING AT
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR,
SURVEY NO.244, 5TH MAIN ROAD,
LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI
BENGALURU SOUTH TALUK,
BENGALURU-560068.

5. MRS. VASANTHAMMA,
W/O M.G.KUMARA,
AGED ABOUT 42 YEARS,
SRI LAKSHMI VENKATESWARA NILAYA,
DOOR NO.6, 3RD FLOOR,
SITE NO. 17, SURVEY NO.244, 5TH MAIN
LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI.
BENGALURU SOUTH TALUK,
BENGALURU-560068.

6. MRS. SHAKUNTALA N,
W/O SOMASEKAR,
AGED ABOUT 56 YEARS,
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR,
SURVEY NO.244, 5TH MAIN ROAD,
LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-560068.

7. MR. SYED FAYAZ,
S/O SAYED BAB SAHEB, AGED AOUT 38 YEARS

8. MRS. SUMAIYA FIRDOSE,
W/O SYED FAYAZ,
AGED ABOUT 24 YEARS.
BOTH RESIDING AT
1ST FLOOR, HOUSE NO.2,
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO. 17, 2ND FLOOR,
SURVEY NO.244, 5TH MAIN ROAD,
LATE NARAYANAPPA ROAD,
BEGUR VILLAGE, BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-560068.

9. MR.CHETAN G.S.
S/O SIDDARAMAIAH,
AGED ABOUT39 YEARS,
SR. LAKSHMI VENKATESHWARA NILAYA,
SITE NO. 17, 2ND FLOOR, BEGUR VILLAGE,
BEGUR HOBLI, BENGALURU SOUTH TALUK,
BENGALURU-560068.

…PETITIONERS

(BY SRI. K. HANUMANTHARAYAPPA, ADVOCATE FOR
SRI. SUBRAMANI D., ADVOCATE)

AND:

1. SMFG INDIA CREDIT COMPANY LIMITED
REPT. BY ITS AUTHORIZED OFFICER,
VIJAYANAGARA BRANCH,
BENGALURU

2. MR.VENKATESH MURTHY G.R.,
AGED ABOUT 38 YEARS,
RESIDING AT
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR,
SURVEY NO.244, 5TH MAINROAD,
LATE NARAYANAPPA ROAD,
ILLAGE, BEGUR HOBLI,
BENGALURU SOUTH TALUK, BENGALURU-560068

3. MRS. NANDINI K.R,
W/O VENKATESH MURTHY, G.R,
AGED ABOUT34 YEARS,
BOTH RESIDING AT
SRI LAKSHMI VENKATESHWARA NILAYA,
SITE NO.17, 2ND FLOOR,
SURVEY NO.244, 5TH MAINROAD,
LATE NARAYANAPPA ROAD,
ILLAGE, BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-560068

…RESPONDENTS

(BY SRI. RAJENDRAPRASAD, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A DIRECTION TO THE FIRST RESPONDENT TO REFUND THE LEASE AMOUNTS TO THE PETITIONERS AS PER THE LEASE DEEDS (ANNEXURE-A1 SERIES) OUT OF THE SALE PROCEEDS OF THE MORTGAGED PROPERTY. B) NOT TO TAKE ANY COERCIVE STEPS AGAINST THE PETITIONERS IN REGARD TO THEIR LEASED PREMISES.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

At the outset, this Court is required to examine the maintainability of the writ petition. The present petition is instituted against a private company, which, on the face of the pleadings and material on record, does not answer the

description of "State" or "other authority" within the meaning of Article 12 of the Constitution of India. It is a settled principle of constitutional law that the extraordinary jurisdiction under Article 226 is primarily intended to be invoked against the State and its instrumentalities, or bodies discharging public duties or functions of a public character. In the absence of any material to demonstrate that the respondent–company is either an instrumentality of the State or is performing a public function amenable to writ jurisdiction, this Court would be justified in declining to entertain the petition on the ground of maintainability.

2. At this juncture, learned counsel appearing for the petitioners, on being confronted with the issue of maintainability, seeks leave of this Court to withdraw the writ petition, with liberty to avail such remedies as are available in law before the appropriate forum.

Recording the said submission and reserving liberty as prayed for, the writ petition stands dismissed as withdrawn.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 20