HC-KAR

NC: 2026:KHC:65033
WP No. 21406 of 2024

CNR: KAHC010442672024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO.21406 OF 2024 (GM-RES)

BETWEEN:

AYAZ
S/O LATE MOHAMMED ZAMEER
AGED ABOUT 62 YEARS
R/AT NO.13, BAMBOO BAZAAR
SHIVAJINAGAR
BANGALORE-560 051

...PETITIONER

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

1. STATE BANK OF INDIA
   A CORPORATION CONSTITUTED
   UNDER THE SBI ACT, 1955
   HAVING ITS CENTRAL OFFICE/
   CORPORATE CENTRE AT
   STATE BANK BHAVAN
   MADAME CAME ROAD
   MUMBAI-40024

2. THE AUTHORIZED OFFICER
   STATE BANK OF INDIA
   (EARLIER STATE BANK OF MYSORE)
   STRESSED ASSETS RESOLUTION
   CENTER, 1ST FLOOR, 3RD BLOCK
   BKG COMPLEX, AVENUE ROAD
   BANGALORE-560 009

...RESPONDENTS

(R1 & R2 ARE SERVED AND UNREPRESENTED)

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT BANK TO PAY RS.3,59,003/- (RS.THREE LAKH, FIFTY NINE THOUSAND AND THREE ONLY) ALONGWITH THE INTEREST TO THE PETITIONER.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court seeking for issue of writ of mandamus directing the respondent-Bank to pay a sum of Rs.3,59,003/- being the arrears of property tax which the petitioner has paid in respect of the property which has been put to public auction by the respondent-Bank.

2. The submission of the learned counsel for the petitioner is that the respondent-Bank has notified the property bearing Site No.17, Katha bearing No.249/1, B.Channasandra, 1st Cross Road, Lalbahadur Nagar, Banaswadi, Bangalore, through the sale notification dated 27.04.2016. The petitioner emerged as successful bidder

and upon payment of the entire auction bid amount, the sale certificate was issued on 16.06.2016. Since, the possession of the auction site was not delivered by the respondents, the petitioner had to approach this Court in W.P.No.22060/2019 seeking writ of mandamus directing the Authorized Officer of the Bank to consider the representation dated 01.04.2019 and deliver the possession.

3. It is the submission of the learned counsel that after issuance of the direction by this Court in the aforesaid writ petition, possession of the auctioned site was delivered to the petitioner. Since, there was a long delay in delivering the possession, so also the fact that the petitioner was made to clear the arrears of property tax prior to the auction sale and prior to handing over of possession, so also for recovery of loss of rent, legal expenses, damages for mental agony, the petitioner had instituted a suit in OS.No.708/2022 before the City Civil Court, Bangalore. The said suit, after trial, came to be

dismissed by the judgment and decree dated 05.04.2024. The petitioner has not assailed the said judgment in the regular first appeal. On the contrary, the instant writ petition is filed seeking the aforesaid relief.

4. The submission of the learned counsel for the petitioner is that, notwithstanding, the dismissal of the suit for the aforesaid prayers, the petitioner is entitled to maintain the instant writ petition only for recovery of the arrears of property tax paid by him to the Municipal Authorities, so also prior to the date of handing over the possession of the site in question. In support of the said contention, the learned counsel for the petitioner has relied upon the judgment of the High Court of Calcutta in the case of ***Corporation Bank and Another Vs. Dr.Jayesh Kumar Jha***[1] and seeks for issue of writ of mandamus to the respondent-Bank to refund a sum of Rs.3,59,003/-.

---

[1] **AIR 2019 CAL 328**

5. I have heard the learned counsel for the petitioner and perused the papers, so also the documents appended to the writ petition.

6. On hearing the learned counsel for the petitioner and perusing the judgment referred to supra, this Court is of the considered view that the prayer for recovery of arrears of the property tax paid for the years 2011 to 2019 was one of the reliefs sought before the Civil Court. The Civil Court has considered the said prayer along with other claims and dismissed the suit in the year 2024. If at all, the petitioner was aggrieved by the judgment and decree of the trial Court, the remedy which was open to the petitioner is to file the regular first appeal and not the writ petition.

7. In the result:

(i) The petition is ***dismissed***.

(ii) In the event of the petitioner availing the remedy of the regular first appeal, it is open for

him to seek benefit of Section 14 of the Limitation Act for reckoning of the period of limitation for filing of the appeal.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB
List No.: 1 Sl No.: 40