



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 5159 OF 2025 (GM-RES)

BETWEEN:

ANUPKUMAR SHETTY
ESTEEM PARK APARTMENTS,
DAISY 302, 3/6 ROSE GARDEN ROAD,
JP NAGAR 5TH PHASE,
BANGALORE-560 078.

...PETITIONER

(BY SRI. ABHIJEET SHARMA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE DEPARTMENT OF HOUSING,
BY THE PRINCIPAL SECRETARY,
THE GOVERNMENT (HUD),
VIDHANA SOUDHA,
BANGALORE-560 001.
2. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT,
KANDAYA BHAVAN, K.G. ROAD,
BANGALORE-560 009.
3. DISTRICT COLLECTOR
BANGALORE URBAN DISTRICT,
KANDAYA BHAVAN, K.G. ROAD,
BANGALORE-560 009.
4. THE SPECIAL THASHILDAR
BANGALORE NORTH TALUK,



KANDAYA BHAVAN,
GROUND FLOOR, K.G. ROAD,
BANGALORE-560 009.

5. OZONE REALTORS PRIVATE LIMITED
(UNDER COMPANYS ACT, 1956)
NO.51/7-1, RATHNA AVENUE,
OFF RICHMOND ROAD,
CIVIL STATION,
BANGALORE-560 025.
6. SATHYA MOORTHY SAI PRASAD
DIRECTOR, OZONE URBANA INFRA
DEVELOPERS PVT. LTD.,
NO. 38, ULSOOR ROAD,
BANGALORE-560 042.
7. VASUDEVAN SATHYAMOORTHY
DIRECTOR, OZONE URBANA
INFRA DEVELOPERS PVT. LTD.,
NO. 38, ULSOOR ROAD,
BANGALORE-560 042.
8. THE KARNATAKA REAL ESTATE REGULATORY
AUTHORITY, THROUGH IS CHAIRMAN,
SECOND FLOOR, SILVER JUBILEE BLOCK,
UNITY BUILDINGS, MISSION ROAD,
BENGALURU-560 027.

...RESPONDENTS

(BY SMT.NAVYA SHEKAR, AGA FOR R1 TO R4;
SRI.GOUTHAMDEV C. ULLAL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A)ALLOW THE PRESENT PETITION. B) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NO.2 TO 4 TO FORTHWITH TAKE ALL NECESSARY AND EFFECTIVE STEPS TO ENFORCE THE RERA ORDER DATED 25/03/2024 ANNEXURE-A INCLUDING BUT NOT LIMITED TO INITIATING RECOVERY PROCEEDINGS AGAINST



RESPONDENT NO.5, 6 AND 7 (BUILDER) UNDER SECTION 40 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016, AND ENSURING THE REFUND OF THE DUE AMOUNT ALONG WITH APPLICABLE INTEREST TO THE PETITIONER WITHOUT ANY FURTHER DELAY.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed seeking for the following reliefs:-

- "a) Allow the present petition.*
- b) Issue a writ of Mandamus directing respondent Nos.2 to 4 to forthwith take all necessary and effective steps to enforce the RERA order dated 25.03.2024 vide Annexure-A including but not limited to initiating recovery proceedings against Respondent Nos.5, 6 & 7 (Builder) under Section 40 of the Real Estate (Regulation and Development) Act, 2016, and ensuring the refund of the due amount along with applicable interest to the petitioner without any further delay;*
- c) Direct Respondent Nos.2 to 4 to implement the order passed by respondent No.8 dated 25.03.2024 and 03.07.2024 at Annexures-A and B.*
- d) Enforce payment of amounts due from Respondent Nos.5, 6 and 7 in accordance with the procedure for recovery provided under the provisions of the*



Karnataka Land Revenue Act, 1964 and rules thereunder, for enforcement of the directions of Respondent No.8 - RERA Karnataka at Annexure-C dated 29.08.2024 bearing reference No.Rera/revenue/8845/2024-25/2828 and issued under Section 40(1) of Real Estate (Regulation and Development) Act, 2016 and Rule 25 of Real Estate (Regulation and Development) Rules, 2017, bearing No. mentioned above.

- e) Direct the Respondent Nos.5, 6 and 7 to furnish list of movable and immovable properties belonging to respondent Nos.5, 6 and 7.*
- f) Direct the Respondent 2 to 4 to trace all the movable and immovable properties of Respondent 5, 6 & 7 and confiscate them to respondent No.8 as per the Karnataka Land Revenue Act and Rules, Auction process as per rules and collect the penalty and submit it to the RERA Authority.*
- g) Grant an interim order to direct the Respondent 5, 6 & 7 to furnish security for the sum of Rs.1,74,87,461/- being the total amount owed by the respondent 5, 6 and 7 to the petitioner and/or direct the Respondent 2 - 4 to freeze the bank accounts and other properties of Respondent 5, 6 & 7.*
- h) Issue appropriate directions to Respondent No.8 (K-RERA) to exercise its statutory authority and initiate coercive measures against respondent Nos.5, 6 & 7 (Builder), including but not limited to;*



- i) To implead the respondent 5, 6 & 7 herein as well as other directions as parties and take necessary steps in the execution proceedings.*
- j) Attaching the properties, assets and bank accounts of the Builder (Respondent No.5, 6 & 7) under the provisions of the RERA Act, 2016.*
- k) Debarring the Builder (Respondent No.5, 6 & 7) from launching or advertising any new real estate projects until full compliance with the refund order is achieved, and*
- l) Taking any other necessary enforcement actions to ensure the execution of the RERA order in a time-bound manner;*
- m) Issue necessary and appropriate directions to the State Government (Respondent No.1) to*
- n) Ensure strict enforcement of RERA orders across all cases involving non-complaint builders, Strengthen the enforcement accountability measures.*
- o) Conduct a thorough inquiry and initiate disciplinary or departmental action against Respondent Nos.2 to 4 for failing to fulfill their statutory duty of implementing the RERA order and*
- p) Take appropriate steps to prevent recurrence of such statutory non-compliance, ensuring that homebuyers like the petitioner do not face undue hardship in securing their rightful dues;*



q) Grant such other and further reliefs as may be deemed just, fair and proper by this Hon'ble Court in the interest of justice, equity and good conscience."

2. This Court in W.P.No.10337/2025 has substantially addressed the core issue raised in the captioned writ petition.

3. Heard learned counsel for the petitioner and learned AGA. Perused the records.

4. The grievance of the petitioner is that the Recovery Certificate, which has been issued by the RERA under Section 40(1)(2) of the Real Estate Regulation and Development Act, 2016 (for short 'the Act') and Rule 25 of the Karnataka Real Estate (Regulation and Development) Rules, 2017 ('the K-RERA' for short), has not been enforced by respondent No.1. It is in this backdrop, the petitioner is compelled to knock the doors of the Writ Court seeking aforesaid reliefs.



5. This Court in an identical case has consistently taken view that when a Recovery Certificate is issued by the RERA under Section 40 of 'the Act' and Rule 25 of 'the K-RERA', respondent No.1 is obligated to take further appropriate steps to recover the amounts mentioned in the Recovery Certificate as arrears of land revenue.

6. Since it is not in dispute that Special Deputy Commissioner is now appointed to act on all the Recovery Certificates issued by the RERA, the petitioner by furnishing the Recovery Certificate has demonstrated his legal right to seek directions at the hands of this Court. Equally, respondent No.1, being a designated Authority, is obligated to enforce the Recovery Certificate obtained by the petitioner. Therefore, this Court proceeds to pass the following;

ORDER

- (i) The writ petition is allowed in part.



- (ii) A mandamus is issued directing respondent Nos.1 and 2 and the Special Deputy Commissioner now appointed to execute the order dated 25.03.2024 passed by respondent No.8 at Annexure-A and Recovery Certificate at Annexure-B and recover the amount within a period of eight weeks from the date of receipt of a copy of this order.
- (iii) The petitioner is at liberty to furnish a list of movable and immovable properties to the Special Deputy Commissioner along with supporting documents.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE