



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 25450 OF 2025 (GM-DRT)

BETWEEN:

INDUS TOWERS LIMITED
A COMPANY REGISTERED UNDER COMPANIES ACT)
HAVING ITS OFFICE AT NO.12,
7TH FLOOR, TOWER D,
SUBRAMANYA ARCADE,
BANNERGHATTA ROAD,
BENGALURU-560029

...PETITIONER

(BY SRI. TASKEEN SHEIK R., ADVOCATE FOR
SRI. BHARATH K., ADVOCATE)

AND:

1. RESERVE BANK OF INDIA
OPP ST. MARTHA'S HOSPITAL, 10/3/8,
NRUPATUNGA RD,
OPP: ST, NUNEGUNDLAPALLI.
AMBEDKAR VEEDHI
BENGALURU,
KARNATAKA 560001.
2. THE GRAIN MERCHANTS CO-OPERATIVE BANK
LIMITED
HAVING ITS OFFICE AT NO.2,
PAMPAMAHAKAVI ROAD
CHAMARAJAPET
BENGALURU-560018
REPRESENTED BY ITS AUTHORIZED OFFICER





SMT. UMA.R
REGISTERED UNDER CO-OPERATIVE SOCIETY ACT.

3. MR.FATHI JOSEPH,
AGED MAJOR,
RESIDING AT FLAT NO. 001,
SURYA RESIDENCY, 6TH CROSS,
BALAJI LAYOUT
BENGALURU-560094
4. MRS SHIRLEY JOSEPH
AGED MAJOR,
RESIDING AT FLAT NO. 001,
SURYA RESIDENCY, 6TH CROSS,
BALAJI LAYOUT
BENGALURU-560094

...RESPONDENTS

(BY SRI. M.N. MUNIREDDY, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.1 TO CONSIDER THE REPRESENTATION DATED 30.06.2025 VIDE ANNEXURE - A AND ISSUE IMMEDIATE DIRECTIONS TO RESPONDENT NO.2 TO PROVIDE ACCESS OF THE SCHEDULED PROPERTY TO THE PETITIONER FOR REMOVAL OF ITS MOBILE TOWER AND ANCILLARY EQUIPMENT. DIRECT RESPONDENT NO.2 TO ALLOW THE PETITIONER TO DISMANTLE AND REMOVE THE MOBILE TOWER MATERIALS LYING ON THE SCHEDULE PROPERTY, AS SUCH MATERIALS DO NOT FALL WITHIN THE PURVIEW OF THE SARFAESI ACT AND RESPONDENT NO.2 HOLDS NO RIGHT, LIEN, OR CHARGE OVER THE SAID TOWER MATERIALS, WHICH ARE THE EXCLUSIVE PROPERTY OF THE PETITIONER IN TERMS OF THE TELECOMMUNICATION ACT. DIRECT RESPONDENTS 1 AND 2 TO ALLOW PETITIONER TO REMOVE THE MOBILE TOWER AS IT MAY CAUSE ENDANGER TO THE SCHEDULED PROPERTY AND PUBLIC RESIDING IN THE VICINITY THEREOF TO AVOID ANY UNTOWARD INCIDENT.



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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. The petitioner has filed this writ petition seeking the following reliefs:

“(a) To direct respondent No.1 to consider the representation dated 30.06.2025 vide Annexure - A and issue immediate directions to respondent No.2 to provide access of the scheduled property to the petitioner for removal of its mobile tower and ancillary equipment.;

(b) To direct respondent No.2 to allow the petitioner to dismantle and remove the mobile tower materials lying on the scheduled property, as such materials do not fall within the purview of the SARFAESI Act and respondent No.2 holds no right, lien, or charge over the said tower materials, which are the exclusive property of the petitioner in terms of the Telecommunication Act;



(c) direct respondents 1 and 2 to allow petitioner to remove the mobile tower as it may cause endanger to the scheduled property and public residing in the vicinity thereof to avoid any untoward incident.

2. Brief facts, leading rise to the filing of this writ petition are as follows:
3. The petitioner's parents acquired the property in question and after their demise, the said property was transferred in the name of respondent No.4. The petitioner and respondent No.4 entered into a lease deed on 01.02.2020 for the purpose of erecting a mobile communication tower.
4. Respondent No.2 issued a notice instructing the petitioner to be present at the survey to be conducted by the Survey Department. Respondent No.2-Bank has taken the possession of the property in question. The petitioner submitted a representation to respondent No.2-Bank, seeking to



permit the petitioner to remove the mobile tower erected on the property in question. Respondent No.2 has not passed any order / replied on the representation submitted by the petitioner and an eviction notice came to be issued by respondent No.2. Hence, this petition.

5. Heard the arguments of the learned counsel for the petitioner and the learned counsel for respondent No.2.
6. Learned counsel for the petitioner submits that the petitioner is a tenant over the property in question, and a lease deed was executed between the petitioner and respondent No.4 for erecting a mobile communication tower. Now, respondent No.2 has seized the property in question and the petitioner is intending to remove the mobile communication tower however, respondent No.2 is not permitting the petitioner to remove the mobile communication



tower. Hence, a direction be issued to respondent No.2 to permit the petitioner to remove the mobile tower erected in the property in question. Accordingly, prays to allow the writ petition.

7. *Per contra*, learned counsel for respondent No.2 submits that if reasonable time is granted, respondent No.2 will permit the petitioner to remove the mobile communication tower.
8. Perused the records, and considered the submissions of the learned counsel for the respective parties.
9. It is an undisputed fact that the petitioner and respondent No.4 had entered into a lease deed for erecting a mobile communication tower in the property in question. It is also undisputed fact that the parents of respondent Nos.3 and 4 obtained a loan from respondent No.2-Bank. The parents of the petitioner committed a default and respondent No.2 initiated a recovery proceedings under *the*



Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and taken the possession of the property in question.

10. Admittedly, the mobile communication tower erected is owned and possessed by the petitioner. Now, the possession of the petition premises is in occupation of respondent No.2. There is no charge created over the mobile communication tower. Hence, respondent No.2 has no right to stop the petitioner from removing the mobile communication tower.
11. As the learned counsel for respondent No.2 submits that respondent No.2 will permit the petitioner to remove the mobile tower, in view of the same, respondent No.2 is hereby directed to permit the petitioner to remove the mobile communication tower from the property within two weeks from today.



12. The Official of respondent No.2 is directed to be present at the spot on 05.03.2026 and the petitioner is permitted to remove the mobile communication tower by **05.03.2026**.
13. The writ petition is accordingly ***disposed of***.
14. Pending applications, if any, stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
CT:KHV
List No.: 1 Sl No.: 8