



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 18TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 104923 OF 2025 (GM-RES)

BETWEEN:

THE BANK OF BARODA
SHAHAPUR BRANCH, BELAGAVI-590001,
REP. BY ITS CHIEF MANAGER,
AKASH SINGHAL S/O. ARUN KUMAR GUPTAM
AGE: 40 YEARS, OCC. CHIEF MANAGER,
BANK BARODA, SHAHAPUR BRANCH, BELAGAVI.

...PETITIONER

(BY SRI. HIEMATH MALLIKARJUN SHANKARAYYA, ADVOCATE)

AND:

1. THE BAGALKOT TOWN DEVELOPMENT AUTHORITY,
OLD SBI BUILDING, NEAR OLD TAHSILDAR OFFICE,
BAGALKOT-587101, DIST. BAGALKOT.
REP. BY ITS CHIEF ENGINEER.
2. THE REHABILITATION OFFICER BAGALKOT
TOWN DEVELOPMENT AUTHORITY (BTDA),
NAVANAGAR, BAGALKOT-587101.

...RESPONDENTS

(BY SRI. SANJAY CHAND, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO I. ISSUE A WRIT OF
MANDAMUS OR ANY OTHER WRIT OR DIRECTION IN THE
NATURE OF WRIT THEREBY DIRECTING THE RESPONDENTS
HEREIN TO CONSIDER THE LETTER/REPRESENTATION

Digitally signed
by V N BADIGER
Location: High
Court of
Karnataka,
Dharwad Bench,
Dharwad



DT.31.05.2024 (ANNEXURE-T) AND ALSO
LETTER/REPRESENTATION DT.04.02.2025 (ANNEXURE-V) AND
TO ISSUE NOC FOR PROPERTY SCHEDULED AND PASS
APPROPRIATE ORDERS BY ALLOWING THIS WRIT PETITION, IN
THE INTEREST OF JUSTICE.II. GRANT SUCH OTHER OR
FURTHER RELIEF AS THIS HON BLE COURT MAY DEEM FIT IN
THE CIRCUMSTANCES, INCLUDING COSTS.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Sri Sanjay Chanal, learned counsel, accepts notice for
Respondent Nos. 1 and 2.
2. The petitioner is before this Court seeking the following
reliefs:
 - i. *Issue a writ of mandamus or any other writ or
direction in the nature of writ thereby directing the
respondents herein to consider the
letter/representation dt.31.05.2024 (Annexure-T)
and also letter/representation dt.04.02.2025
(Annexure-V) and to issue NOC for property
scheduled and pass appropriate orders by allowing
this writ petition, in the interest of justice.*
 - ii. *Grant such other or further relief as this Hon'ble
Court may deem fit in the circumstances, including
costs.*



3. The petitioner bank had extended credit facilities to one Mr. Rajkumar Sugatekar and Mr. Ramchandra Hunugundeppa Sugatekar. As regards which, the property bearing Plot No. C19, Sector No. 15, Navanagar, Bagalkot Town, Bagalkot, had been mortgaged. The borrowers, having created a security interest in the said property, failed to repay the outstanding dues. Consequently, the account of the borrowers was declared as a Non-Performing Asset. The petitioner bank thereafter initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to the 'SARFAESI Act'). Following due procedure, the property was brought to auction. In the auction held on 24.04.2024, one Shri. Akash Ingale was declared as the successful bidder. The petitioner/bank, being required to execute the necessary sale deed in favour of the successful auction purchaser, presented the sale deed before the Sub-Registrar. However, the Sub-Registrar indicated that No Objection Certificate from the respondents was required. In response, an application in the form of a



letter/representation was submitted by the petitioner on 31.05.2024, vide Annexure-T, followed by another representation dated 04.02.2025 vide Annexure-V. Despite these representations, the respondents have not issued the NOC as required.

4. It is in that background that the petitioner has been constrained to approach this Court seeking appropriate directions. When a bank exercises its rights under the SARFAESI Act, conducts an auction, and executes a sale deed, it is incumbent upon the Sub-Registrar to register the sale deed on the basis of the sale deed executed between the bank and the auction purchaser. For the said purposes, if any NOC or similar clearance is required from the town planning authority, the respondents herein, it is their duty either to issue such NOC at the earliest or to reject the same with valid reasons.
5. In the present case, the respondents have failed to act upon the representations made and have remained inactive for over a year. However, in the interest of



justice, one more opportunity is granted to the respondents. Accordingly, I pass the following:

ORDER

- i) The writ petition is ***allowed***.
- ii) A writ of mandamus is issued directing the respondents to consider the petitioner's representations dated 31.05.2024 vide Annexure-T and 04.02.2025 vide Annexure-V and to pass appropriate order in accordance with law, within a period of 15 days from the date of receipt of certified copy of this order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

VB
CT:PA
List No.: 1 Sl No.: 26