



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF DECEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 12210 OF 2023 (LB-BMP)

BETWEEN:

M/S KAMATH TRANSFORMERS PVT LTD
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
HAVING REGISTERED OFFICE AT
NO.4-D, E AND F SY.NO.98,
KIADB INDUSTRIAL AREA, YEDENAHALLI,
SOMPURE HOBLI, DOBASPET,
NELAMANGALA TALUK-562111,
REP BY MANAGING DIRECTOR
SRI VISHWANATH KAMATH.

...PETITIONER

(BY SRI. SRIKANTH PATIL K.,ADVOCATE)

AND:

1. KARNATAKA STATE SMALL INDUSTRIES
DEVELOPMENT CORPORATION LTD
RAJAJINAGAR INDUSTRIAL TOWN,
RAJAJINAGAR,
BENGALURU-560010.
REP BY ITS SECRETARY.
2. BRUHAT BENGALURU MAHANAGARA PALIKE(BBMP)
MAHALAKSHMIPURA SUB DIVISION,
BENGALURU-560078,
REGISTERED BY ITS
THE ASSISTANT REVENUE OFFICER,
MAHALAKSHMIPURA SUB DIVISION.

...RESPONDENTS

(BY SMT. MANJULA NEMICHANDRA TEJASWI.,ADVOCATE FOR R1;
SRI. K.S. MALLIKARJUNA REDDY., ADVOCATE FOR R2)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER QUASHING THE ENDORSEMENT DATED 24.11.2022 ISSUED BY THE R2 AUTHORITY VIDE ANNEX-A AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- a. Issue a writ of Certiorari or any other appropriate writ, order quashing the endorsement dated 24.11.2022 issued by the 2nd respondent authority vide Annexure-A, in the interest of justice and equity.*
- b. Direct the R2 to issue Khata in respect of the property No. B-71 situated in the Industrial Estate, Peenya, 2nd cross, in terms of the boundary mentioned in the Sale Certificate vide Annexure-B for an extent of 524.66 sq.mts. in the interest of justice and equity.*
- c. Grant such other reliefs which the Hon'ble Court deems necessary in the facts and circumstances of the case.*

2. The petitioner claims to be the absolute owner of the immovable property viz., factory building and land bearing No.B-71, situated in 2nd Cross, Peenya Industrial Estate, Bengaluru having purchased the same in auction proceedings initiated by the



mortgager - Karnataka State Small Industries Development Corporation Limited (KSSIDCL) in pursuance of the Certificate of Sale issued by 19th Additional City Civil and Sessions Judge, Bangalore in execution proceedings in Ex.P.No.1101/1997. The petitioner had made an application for transfer of katha in favour of the petitioner in pursuance of the Certificate of Sale. Respondent No.2 vide letter dated 26.09.2016 had informed that respondent No.2 sought for details of the documents executed by respondent No.1 in favour of said Raana Enterprises and until such documents are received, the application would not be considered. Thereafter, the petitioner has been following up the matter with respondent No.2 for issuance of katha. Though respondent No.2 has received the documents in respect of the entire property, the katha has not been transferred. It is aggrieved by the same that the petitioner is before this Court seeking for the aforesaid reliefs.



3. Sri.Srikanth Patil K., learned counsel for the petitioner would submit that the purchase of the property in an auction proceedings, which has taken place in a suit filed by respondent No.1 and the same having registered from the above execution proceedings, the petitioner cannot be deprived of a katha after having paid necessary amounts and as such, he submits that aforesaid reliefs are required to be granted.
4. Sri.Mallikarjun Reddy, learned counsel for respondent No.2 would submit that since there is no response from respondent No.1 to the letter of respondent No.2, the application of the petitioner has not been processed with.
5. Notice having been served on respondent No.1, Smt. Manjula Nemichandra Tejaswi, counsel has entered appearance. The submission made on behalf of respondent No.1 on the last occasion was that



issuance of katha is in between the petitioner and respondent No.2 and respondent No.1 has nothing to do in the present matter.

6. Heard the learned counsel for the parties and perused the papers.
7. A perusal of the lease cum sale agreement which has been produced by the learned counsel for the petitioner today along with a memo would indicate schedule of the property allotted in favour of the Raana Enterprises being the same as that which is subject matter of the suit and the execution proceedings, in pursuance of which the Sale Certificate has been issued in favour of the petitioner. If that be so, when there is no objection on part of the respondent No.1 or Rana Enterprises to the application filed by the petitioner for issuance of katha, it was for the respondent No.2 to have issued the katha in respect of the property subject



matter of the certificate of sale. In that view of the matter, I pass the following:

ORDER

- i) The Writ Petition is ***allowed***, a certiorari is issued. The endorsement dated 24.11.2022 bearing No.Sa.Ko.A./La.De.U/PR/639/22-23 issued by respondent No.2 at Annexure-A is quashed.
- ii) Respondent No.2 is directed to consider the application of the petitioner in terms of the Certificate of Sale and the boundaries mentioned therein and as per sketch appended to the Certificate of Sale which is identical to that appended to the lease-cum-sale agreement and issue necessary katha certificate within a period of 30 days from the date of receipt of certified copy of this order.

**Sd/-
JUDGE**