



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.16350 OF 2017 (GM-RES)

BETWEEN:

1. SECRETARY
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR,
R.T. NAGAR POST OFFICE,
BENGALURU - 560032.

...PETITIONER

(BY SRI. AJAY SHANKAR RAO, ADVOCATE)

AND:

1. MR. M.V. ASHOK
FLAT NO. A-501,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR,
R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
2. MR. K K BAJAJ ROOPA MADHUKAR
FLAT NO.B-202,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
3. MR. VINAY AVANCHI
FLAT NO. B-602,
SHRIRAM SHRISHTI APARTMENTS,





SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.

4. MR. ABHAY S RAO
FLAT NO. B-302,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
5. MR. RAMAKRISHNA
NO. 32, KESHAVA KRUPA,
NEW KEMPEGOWDA LAYOUT,
BANASHANKARI 3RD STAGE,
BENGALURU - 560032.
6. MR. VISWESVARAN
FLAT NO. B-801,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
7. MRS. VEENA RAJKUMAR
FLAT NO. B-501,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
8. MR. YAJANAVALKYA SUBRAY BHAT
FLAT NO. A-202,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
9. MR. V. PREMKMAR
RESIDENT NO. 294,
1ST FLOOR, 14TH CROSS,



VAYALIKAVAL,
BENGALURU - 560003.

10. MR. SABU ABRAHAM
FLAT NO.A-001,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
11. MR. MURAL KRISHNA
FLAT NO.A-602,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
12. MR. N. SRINIVASA
FLAT NO.A-801,
SHRIRAM SHRISHTI APARTMENTS,
SUMANGALI SEVASHRAM ROAD,
ANANDANAGAR, R.T. NAGAR POST OFFICE,
BENGALURU - 560032.
13. REGISTRAR OF CO-OPERATIVE SOCIETY
ALI ASKAR ROAD,
VASANTH NAGAR,
BENGALURU - 560051

...RESPONDENTS

(BY SRI. PRAMOD N. KATHAVI, SENIOR ADVOCATE FOR
SMT. RACHANA BHARADWAJ, ADVOCATE FOR
R1 TO R7, R9 TO R11;
SRI. MAHANTESH SHETTAR, AGA FOR R13;
R8 AND R12 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE



IMPUGNED ORDER PASSED BY THE REGISTRAR OF CO-
OPERATIVE SOCIETIES DATED 18.3.2017 BEARING COMPLAINT
NO.RCS/DIS/D1/01/2014-15 AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. In this writ petition, petitioner has sought for quashing
the order dated 18.03.2017 (Annexure-A), passed by the
respondent No.13 herein.

2. Heard Sri. Ajay Shankar Rao, learned counsel for the
petitioner, Sri. Pramod N. Kathavi, learned Senior Counsel
appearing for respondent Nos.1 to 7, 9 to 11 and
Sri. Mahantesh Shettar, learned Additional Government
Advocate appearing for the respondent No.13.



3. The owners of apartments / private respondent Nos.1 to 12 herein, formed an association by name, 'Shriram Shrishti Apartments Association", Bangalore - 32, as per the Section 2 of the Karnataka Apartment Ownership Act, 1972 (hereinafter referred to as 'the KAO Act', 1972). The private respondents herein are the Members of the said Association as per Annexure-B to the writ petition. The private respondents herein filed complaint against the Association before the respondent No.13 - Registrar of Co-operative Societies, Bengaluru, regarding arbitrariness in imposing maintenance and other charges to the apartment owners and also sought for a direction to the Association to charge maintenance charges equally and such other reliefs, in terms of the Bye-laws of the Association(Annexure-C). The said complaint was allowed by respondent No.13, by order dated 18.03.2017 as per Annexure-A to the Writ Petition. Assailing the said order dated 18.03.2017, the petitioner has preferred this Writ Petition.

4. Perused the Writ Petition papers. Clause 20 of the Bye-laws of the Association provides for fixing / deciding maintenance charges in respect of the apartments and Clause



28 thereof provides for apartment owners to make payment of periodical assessment fixed by the Managing Committee / General Body.

5. Having taken note of the submissions made by the learned counsel for the petitioner and the learned Senior Counsel appearing for the private respondents herein, in the light of the provisions contained under Section 10 of the KAO Act, 1972, the respondent No.13 has not applied his mind with regard to the percentage of undivided common areas and the facilities among the apartment owners. In that view of the matter, without going to the merits of the case, I am of the view, the impugned order at Annexure-A is required to be quashed by remitting the matter to respondent No.13 to reconsider the issue, in the light of the observations made above and the provisions contained under Section 10 of the KAO Act.

6. With this observation, the Writ Petition is allowed. The order dated 18.03.2017 (Annexure-A) passed by respondent No.13 is hereby quashed and the matter is remitted to



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respondent No.13 to reconsider the issue afresh, in accordance with law.

7. All contentions of the parties are kept open.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 37