INDIALAW



REAL ESTATE

Karnataka High Court Directs Enforcement of K-RERA Recovery Certificates Within Eight Weeks

Introduction The Karnataka High Court, in Rajesh Rao C.V. and Others v. State of Karnataka and Others, W.P. No. 13245 of 2026, decided on 27 April 2026, has reiterated that recovery certificates issued by the Karnataka Real Estate Regulatory Authority (“K-RERA”) must be acted upon by the designated authorities without delay. The judgment is significant […]

AUTHOR Nim Dem Dorjee, Ayush Shukla
PUBLISHED 13 June 2026

Introduction

The Karnataka High Court, in *Rajesh Rao C.V. and Others v. State of Karnataka and Others*, W.P. No. 13245 of 2026, decided on 27 April 2026, has reiterated that recovery certificates issued by the Karnataka Real Estate Regulatory Authority ("K-RERA") must be acted upon by the designated authorities without delay. The judgment is significant because it addresses a recurring practical difficulty faced by successful claimants under the Real Estate (Regulation and Development) Act, 2016 ("RERA Act"). In several cases, even after an adjudicatory order is passed and a recovery certificate is issued, the claimant is required to pursue the authorities for actual recovery of the amount. The High Court made it clear that once a valid recovery certificate is issued, the authorities responsible for its execution are under an obligation to recover the certified amount as arrears of land revenue. The Court accordingly issued a writ of mandamus directing the concerned authorities to execute the recovery certificates within a fixed period of eight weeks.

Table of contents

- Introduction
- Factual Background
- Relief Sought by the Petitioners
- Contentions of the Petitioners
- Stand of the Respondents
- Issue Before the Court
- Legal Framework
- Court's Observations
- Operative Directions
- Significance of the Judgment
- Conclusion

Factual Background

The petitioners approached the Karnataka High Court seeking enforcement of two recovery certificates issued by K-RERA. The certificates were:

1. Recovery Certificate bearing No. RERA/REVENUE/1149/2025-26/3702 dated 15 December 2025; and
2. Recovery Certificate bearing No. RERA/REVENUE/803/2025-26/3504 dated 28 October 2025.

The recovery certificates had been issued for recovery of amounts due from Respondent No. 6. However, according to the petitioners, the concerned authorities had not taken the required steps to implement the certificates. The petitioners therefore approached the High Court seeking a direction to Respondent Nos. 1 to 4 to enforce the recovery certificates in accordance with the procedure applicable to recovery of arrears of land revenue. The order does not set out the underlying real-estate transaction, the amount covered by the certificates, the original claim before K-RERA, or the detailed factual relationship between the petitioners and Respondent No. 6. The writ petition was confined to the limited question of enforcement of the recovery certificates already issued by K-RERA.

Relief Sought by the Petitioners

The petitioners sought a writ of mandamus directing Respondent Nos. 1 to 4 to recover the amounts due from Respondent No. 6 by implementing the recovery certificates. They relied upon the recovery mechanism contemplated under the Karnataka Land Revenue Act, 1964, read with the provisions of the RERA Act and the Karnataka Real Estate (Regulation and Development) Rules, 2017. The essential grievance of the petitioners was that the issuance of a recovery certificate had not resulted in actual enforcement. Their contention was that the authorities could not allow valid recovery certificates to remain pending without taking further steps for recovery.

Contentions of the Petitioners

The petitioners contended that the recovery certificates issued by K-RERA had not been enforced despite the obligation of the designated authorities to act upon them. The counsel for the petitioners relied upon an earlier order passed by a Coordinate Bench of the Karnataka High Court in W.P. No. 10337 of 2025. It was submitted that the earlier decision substantially covered the issue raised in the present writ petition.

The petitioners' case was therefore based on two principal grounds:

1. First, the recovery certificates had already been issued by K-RERA and had not been disputed in the writ proceedings.
2. Second, the authorities entrusted with their execution were required to take further action and recover the certified amounts as arrears of land revenue.

Stand of the Respondents

The learned Additional Government Advocate appeared on behalf of the respondents, and the Court heard the respondents before passing the order. However, the judgment does not record any separate or detailed substantive contention on behalf of the respondents. It does not indicate that the respondents disputed the validity of the recovery certificates, challenged the entitlement of the petitioners, or raised any legal objection to the recovery process. The absence of any recorded dispute regarding the recovery certificates was relevant to the Court's conclusion that the petitioners had established their legal right to seek enforcement.

Issue Before the Court

1. The central issue before the High Court was whether the designated authorities were obligated to execute the recovery certificates issued by K-RERA and recover the certified amounts as arrears of land revenue.
2. The Court was also required to consider whether the petitioners were entitled to a writ of mandamus in view of the authorities' failure to proceed with recovery.

Legal Framework

The Court referred to Section 40 of the RERA Act and Rule 25 of the Karnataka Real Estate (Regulation and Development) Rules, 2017. Section 40 of the RERA Act provides a statutory mechanism for recovery of certain amounts payable under orders passed under the Act. Where an amount is required to be recovered, the statutory scheme permits recovery in the manner applicable to arrears of land revenue. Rule 25 of the Karnataka RERA Rules supplements this framework by providing the procedural basis for recovery. The High Court treated the recovery certificates as enforceable instruments that required further action by the designated authorities.

Court's Observations

The High Court observed that it had consistently taken the view in similar cases that once a recovery certificate is issued by RERA under Section 40 of the RERA Act and Rule 25 of the Karnataka RERA Rules, the concerned authorities are obligated to take appropriate steps to recover the amount specified in the certificate as arrears of land revenue. The Court emphasised that the authorities could not remain inactive once the recovery certificate had been issued. The judgment further records that a Special Deputy Commissioner had been appointed to act upon recovery certificates issued by RERA. This appointment strengthened the conclusion that the administrative framework for enforcement was already in place.

The Court held that the petitioners, by producing the recovery certificates, had demonstrated their legal right to seek enforcement. Correspondingly, Respondent Nos. 1 to 4, being the designated authorities, were obligated to execute the certificates. The reasoning of the Court was direct and unambiguous: once the statutory authority had issued a recovery certificate, its enforcement could not be treated as optional or discretionary.

Judgment

The Karnataka High Court allowed the writ petition. The Court issued a writ of mandamus directing Respondent Nos. 1 to 4 to execute the recovery certificates annexed to the writ petition as Annexures C1 and C2. The authorities were directed to recover the amounts specified in the certificates within a period of eight weeks from the date of receipt of a copy of the order. The Court also granted liberty to the petitioners to submit a list of the movable and immovable properties of Respondent No. 6 to the Special Deputy Commissioner, together with supporting documents. This direction was intended to assist the authorities in

identifying assets and proceeding effectively with the recovery process.

Operative Directions

The operative portion of the judgment may be summarised as follows:

1. The writ petition was allowed.
2. Respondent Nos. 1 to 4 were directed to execute the two K-RERA recovery certificates.
3. The recovery was required to be completed within eight weeks from the date of receipt of the order.
4. The petitioners were permitted to provide a list of the movable and immovable properties of Respondent No. 6, along with supporting documents, to the Special Deputy Commissioner.

Significance of the Judgment

The judgment is important because it reinforces the enforceability of recovery certificates issued under the RERA framework. A successful claimant may obtain an order from RERA and a recovery certificate, but the relief remains incomplete unless the certificate is actually executed. The Karnataka High Court recognised this difficulty and ensured that the administrative authorities remained accountable for completing the recovery process.

The decision is particularly significant for the following reasons.

1. First, it confirms that the designated authorities have a mandatory obligation to act upon recovery certificates issued under Section 40 of the RERA Act. The execution of such certificates is not a matter of administrative discretion.
2. Second, it establishes that a claimant who has obtained a recovery certificate has an enforceable legal right to seek implementation of the certificate.
3. Third, it demonstrates that the writ jurisdiction of the High Court may be invoked where the authorities fail to execute a recovery certificate within a reasonable period.
4. Fourth, the eight-week deadline imposed by the Court provides a clear and time-bound framework for recovery.
5. Fifth, by permitting the petitioners to furnish details of the movable and immovable properties of the defaulting respondent, the Court adopted a practical approach aimed at enabling effective enforcement.

The judgment therefore strengthens the implementation mechanism under the RERA Act and reinforces the principle that regulatory relief must translate into actual recovery.

Conclusion

The Karnataka High Court has reaffirmed that recovery certificates issued by K-RERA must not remain unexecuted due to administrative inaction. Once a recovery certificate is issued under Section 40 of the RERA Act and Rule 25 of the Karnataka RERA Rules, the designated authorities are required to recover the amount as arrears of land revenue. By directing execution of the recovery certificates within eight weeks and permitting the petitioners to provide details of the respondent's assets, the Court ensured that the statutory remedy under the RERA framework remained effective in practice. The judgment is an important reminder that the enforcement stage is as essential as the adjudicatory stage. A recovery certificate is not merely a formal document; it is an enforceable statutory instrument that must be implemented by the authorities in accordance with law.

For further details write to **contact@indialaw.in**

Related Practice Areas

Real Estate