



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 30TH DAY OF DECEMBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE R.NATARAJ
WRIT PETITION NO.110110 OF 2025 (GM-CPC)

BETWEEN:

1. SHRI RAJU S/O SIDDAPPA SONTAKKE,
AGE: 52 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD,
KHANAPUR, TAL. KHANAPUR, DIST. BELAGAVI-591302.
2. SHRI RAJU S/O MANOHAR KUDALE,
AGE: 48 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
3. SHRI DEELIP S/O MAHADEV SONTAKKE,
AGE: 47 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
4. SHRI NATHU S/O RAM KUDALE,
AGE: 52 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
5. SHRI VIJAY S/O MAHADEV SONTAKKE,
AGE: 42 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
6. SMT. KAVITA W/O NANDU SONTAKKE,
AGE: 43 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
7. SMT. LAXMI S/O DEEPAK SONTAKKE,
AGE: 42 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.



8. SMT. MANGAL W/O PANDURANG KUDALE,
AGE: 59 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.

- PETITIONERS

(BY SRI. VITTHAL S. TELI, ADVOCATE)

AND:

1. SMT. RUKMINI W/O VITTHAL PATIL,
AGE: 72 YEARS, OCC.: AGRICULTURE,
R/O KAUNDAL, POST. KARAMBAL,
TQ. KHANAPUR, DIST. BELAGAVI-591302.
2. SHRI NATHU S/O SUNDAR KUDALE,
AGE: 29 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
3. SMT. YAMUNABAI W/O ASHOK SONTAKK,
AGE: 57 YEARS, OCC.: PRIVATE SERVICE,
R/O. SHAHU NAGAR, STATION ROAD, KHANAPUR,
TAL. KHANAPUR, DIST. BELAGAVI-591302.
4. THE TOWN PANCHAYAT, KHANAPUR,
KHANAPUR, DIST. BELAGAVI-591302
BY ITS CHIEF OFFICER
5. THE CIRCLE POLICE INSPECTOR,
KHANAPUR POLICE STATION,
KHANAPUR, DIST. BELAGAVI-591302.

- RESPONDENTS

(BY SMT. KIRTI LATA R. PATIL, HCGP FOR R5;
NOTICE TO R1 TO R4 IS DISPENSED WITH)

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 QUASHING THE ORDER DATED 16.04.2025 ON IA NO III FILED BY PLAINTIFF UNDER SECTION 151 OF CODE OF CIVIL PROCEDURE 1908 IN OS NO. 399/2023 PASSED BY C/C ADDL. CIVIL JUDGE AND JMFC KHANAPUR IS PRODUCED VIDE ANNEXURE-H & ETC.

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



CORAM: THE HON'BLE MR. JUSTICE R.NATARAJ

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE R.NATARAJ)

The petitioners have challenged an order dated 16.04.2025 passed by the learned Addl. Civil Judge and JMFC, Khanapur in O.S. No. 399/2023 by which an application filed for police protection to implement the order of interim injunction was allowed.

2. The respondent No.1 filed O.S. No. 399/2023 for perpetual injunction to restrain the defendants from interfering with his peaceful possession and enjoyment of the suit property. The suit property is a residential plot bearing No. 51 TPC No. 1672/48-C-51 measuring 30 ft. x 40 ft. comprised in R.S. No. 93/A/1 situated at Mouli Nagar, Khanapur, Belagavi. An application for interim injunction was filed to restrain the petitioners herein from interfering with her peaceful possession in the suit property.



3. The trial Court after considering the contentions urged by both the parties, passed an order of interim injunction dated 11.03.2025 and restrained the petitioners from interfering with the peaceful possession of the respondent No.1 over the suit property. This order was challenged by the petitioners in M.A. No. 21/2025 but no order of stay of the interim injunction was granted by the trial Court. The plaintiff therefore filed I.A. No. 3 in O.S. No. 399/2023 seeking protection of the local Police to implement the orders passed under Order 39 Rule 1 and 2 CPC. The trial Court after noticing that its order dated 16.04.2025 passed under order 39 Rule 1 and 2 CPC was not stayed allowed the application in terms of the impugned order and directed the local Police to implement the order of interim injunction. Being aggrieved by the said order, the petitioners are before this Court.

4. The learned counsel for the petitioners contend that the petitioners have filed M.A. No. 21/2025 before the



appellate Court challenging the order passed by the trial Court granting interim injunction. He therefore contends that until the appeal is disposed of, the trial Court should not have granted Police protection. He also contends that the Town Panchayat, Khanapur has now cancelled the allotment of the plot in question to the predecessor of the plaintiff and therefore the suit filed by respondent No.1 itself is not maintainable. He lastly contends that the appellate Court is bound to be directed to consider the application filed by the petitioners for stay of the impugned order passed by the trial Court.

5. A perusal of the order passed by the trial Court granting interim injunction shows that the same was done after hearing both the parties. It may be that the petitioners have filed M.A. No. 21/2025 before the appellate Court challenging the order granting interim injunction, however the petitioners have not obtained stay of the said order. It is in those circumstances that the respondent



No.1 filed an application before the trial Court seeking Police protection to implement the order of the interim injunction. The trial Court has rightly directed the Police to grant protection to implement the order of interim injunction granted. Therefore no interference is warranted with the impugned order. However if the petitioners feel that the order of grant made in favour of the predecessors of respondent No.1 was cancelled by the Panchayat, they may approach the trial Court to reconsider the order of interim injunction granted. They may also pursue the appeal before the appellate Court and obtain interim stay of the interim injunction granted by the trial Court.

6. Under the circumstances, this Writ Petition stands disposed of on the above observations.

7. It is made clear that if the petitioners desire to seek modification of the interim injunction granted by the trial Court based on subsequent event, they may do so in accordance with law. They may also pursue their appeal



before the appellate Court and seek for stay of the interim injunction granted by the trial Court and also set aside the order granting Police protection.

8. The Additional Government Advocate may file memo of appearance on behalf of respondent No.5 within ten days.

**Sd/-
(R.NATARAJ)
JUDGE**

BVV, CT:VP
LIST NO.: 1 SL NO.: 8