



CNR: KAHC010086322023

NC: 2026:KHC:46340  
W.P. No.3720/2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 27<sup>TH</sup> DAY OF AUGUST, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**  
**WRIT PETITION NO.3720/2023 (GM-CPC)**

**BETWEEN:**

SRI. JAGADEESH  
S/O SANJEEVA RAO  
AGED ABOUT 42 YEARS  
PROPRIETOR  
JAGADEESH AUTO WORKS  
OPP V.R.R. OFFICE  
JAYANAGARA EXTENSION  
CHIKKAMAGALURU CITY 577101.

...PETITIONER

(BY SRI. VIGHNESHWAR S. SHASTRI, SR. COUNSEL FOR  
SRI. GURURAJ R, ADV.,)

**AND:**

Digitally signed  
by RUPA V  
Location: HIGH  
COURT OF  
KARNATAKA

1. SRI. GANGADHARA  
S/O YALLAPPA  
AGED ABOUT 53 YEARS  
R/O NEAR V.R.L. OFFICE  
JAYANAGARA EXTENSION  
CHIKKAMAGALURU CITY 577101.
2. THE COMMISSIONER  
CITY MUNICIPAL COUNCIL  
CHIKKAMAGALURU 577101.

...RESPONDENTS

(BY SRI. SHRIDHAR NARAYAN HEGDE, ADV., FOR R1  
SRI. MANOJ M. NAIK, ADV., FOR  
SRI. NAGARAJAPPA A, ADV., FOR R2)



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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE ORDER DATED 30/01/2023 PASSED IN MA NO.37/2022 ON THE FILE OF II ADDL. SENIOR CIVIL JUDGE AND JMFC, CHIKMAGALUR AS PER ANNEXURE-J CONFIRMING THE ORDER DATED 04/11/2022 ON IA NO.1 IN OS NO.270/2022 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC AT CHIKKAMAGALURU AS PER ANNEXURE-F AND CONSEQUENTLY ALLOW IA NO.1 IN OS NO.270/2022 AS PRAYED FOR & ETC.

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

**CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

**ORAL ORDER**

This writ petition is filed challenging the order dated 04.11.2022 passed on I.A.No.1 in O.S.No.270/2022 on the file of the Principal Civil Judge and JMFC., Chikkamagaluru (for short, '**the trial Court**') and the order dated 30.01.2023 passed in M.A.No.37/2022 on the file of the II Additional Senior Civil Judge and JMFC, Chikkamagaluru (for short, '**the Appellate Court**').

2. Heard Sri.Vighneshwar S.Shastri, learned senior counsel for Sri.Gururaj R., learned counsel for the petitioner, Sri.Shridhar Narayan Hegde, learned counsel



for the respondent No.1, Sri.Manoj M.Naik, learned counsel for SriNagarajappa A., learned counsel for the respondent No.2 and perused the material available on record.

3. The petitioner-plaintiff had filed the suit in O.S.No.270/2022 against the respondents-defendants herein for a judgment and decree of permanent injunction restraining the defendants from interfering with the peaceful running of the garage by the plaintiff in the plaint schedule property in any manner or from locking the garage which is running in the plaint schedule forcibly or from dispossessing the plaintiff from the plaint schedule property in any manner. In the said suit, the plaintiff filed an application in I.A.No.1 under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, (for short, '**the CPC**') which came to be rejected vide order dated 04.11.2022. Being aggrieved, the plaintiff preferred an appeal in M.A.No.37/2022 and the



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Appellate Court as well dismissed the appeal vide order dated 30.01.2023. The said orders are under challenge.

4. It is to be noticed that the petitioner-plaintiff is running the garage in the suit schedule premises and is seeking a relief of permanent injunction. The impugned orders indicate that various authorities have issued the notices to the plaintiff with regard to causing of nuisance and later the defendant No.2 cancelled the licence on 18.08.2022.

5. It is to be noticed that the order of cancellation of licence is assailed by the petitioner-plaintiff in W.P.No.19491/2026 and this Court vide order dated 02.07.2026 has passed the following order:

*"Sri Vighneshwar S Shastri, the learned Senior Counsel for the petitioner, is permitted to place on record a copy of the interim order dated 16.02.2023 in the writ petition in W.P. No.3720/2023 with the learned Senior Counsel stating that the petitioner's grievance is with the second respondent's refusal to renew trade license at the instance of the petitioner's landlord."*



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*In elaboration, the learned Senior Counsel submits that the petitioner has filed an original suit for a permanent injunction against Sri Gangadhara [because he was acting at the instance of the landlord] in O.S. No. 270/2022 with the jurisdictional civil Court and that though interim orders have been rejected by both the trial Court and the appellate Court, this Court in the writ petition in W.P. No.3720/2023 has directed maintenance of status quo. The learned Senior Counsel further submits that because of the landlord's continued insistence, the second respondent has issued a notice calling upon the petitioner to show cause against closure, and therefore, the petitioner has filed an application for amendment raising a challenge to such notice.*

*In consideration of the afore, and subject to orders on the pending application for amendment, the Authorities are directed to maintain Status quo without disturbing the petitioner's business, but the petitioner shall ensure that there is no nuisance and there is strict compliance with every requirement in law.*

*Sri Kenche Gowda, a learned Additional Government Advocate, is called upon to accept notice for the first respondent.*

*Sri Ashok N Nayak, a learned standing counsel for the second respondent, is called upon to accept notice for this respondent. The learned counsel on record for the petitioner shall ensure that copies are served on the chambers of Sri Ashok N Nayak at the earliest.*



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*The office is directed to re-list this petition on 20.08.2026."*

6. It is also to be noticed that this Court vide order dated 16.02.2023 has passed an order of status quo regarding possession and the same is in operation till date.

7. It is not in dispute that the defendants are not disputing with regard to the possession of the plaintiff over the suit schedule property. The only question is whether the petitioner-plaintiff can run the garage in the absence of license and in view of the initiation of action by the authorities as referred in the impugned orders. It is to be noticed that the present petition is with regard to the correctness of the orders dated 04.11.2022 and 30.01.2023 passed by the Courts below on the relief of temporary injunction and the issue with regard to the licence is required to be considered and adjudicated in W.P.No.19491/2026. Hence, in view of the later development and pendency of the said writ petition, I am of the view that impugned orders do not call for any



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interference; however, it is directed that the respondents not to physically dispossess the plaintiff from the suit schedule property. However, insofar as running of the garage in the suit premises is concerned, it would be subject to the outcome of W.P.No.19491/2026.

8. With the aforesaid observations, the writ petition is ***disposed of***.

No order as to costs.

**Sd/-**  
**(VIJAYKUMAR A. PATIL)**  
**JUDGE**

BSR  
List No.: 1 Sl No.: 43