



CNR: KAHC010242782026

NC: 2026:KHC:55245
WP No. 10486 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 10486 OF 2026 (GM-POLICE)

BETWEEN:

1. SMT. KRISHNAVENI
D/O GODAVARTHI VENKATA
RAMANAMMA @ SHEELA BAI,
AGED ABOUT 47 YEARS,
R/AT NO.13/B, 1 ST MAIN,
KUMARA PARK, COURT LAYOUT,
MADHAVA NAGAR,BENGALURU NORTH,
BENGALURU -560001.
2. OOHAANA
D/O KRISHNAVENI,
AGED ABOUT 27 YEARS,
R/AT NO.13/B, 1 ST MAIN,
KUMARA PARK,COURT LAYOUT,
MADHAVA NAGAR,BENGALURU NORTH,
BENGALURU -560001
3. KAVYA,
D/O KRISHNAVENI,
AGED ABOUT 24 YEARS,
R/AT NO.13/B, 1 ST MAIN,
KUMARA PARK,COURT LAYOUT,
MADHAVA NAGAR,BENGALURU NORTH,
BENGALURU -560001



...PETITIONERS

(BY SRI. VASUDEV G, ADVOCATE FOR
SRI. MUNIYAPPA C R.,ADVOCATE)



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AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA, BENGALURU 560001
2. THE COMMISSIONER OF POLICE ,
COMMISSIONER OF POLICE,
INFANTRY ROAD, BENGALURU 560001.
3. THE STATION HOUSE OFFICER
HIGH GROUNDS POLICE STATION,
MILLERS ROAD, NEAR CHANDRIKA HOTEL,
HIGH GROUNDS, VASANTH NAGAR,
BENGALURU-560001.
4. JAYALAKSHMI
W/O SRINIVASRAJU
AGED MAJOR
R AT PLOT NO.110, FLAT NO.106,
HANUMAN MANSION, SRINAGAR COLONY,
HYDERABAD-73
5. BANGALORE CENTRAL MAHANAGARA PALIKE
REP BY ASSISTANT EXECUTIVE ENGINEER,
VASANTH NAGAR SUB DIVISION,
3 RD CROSS,BALAPPA GARDEN,
N.K PALYA, BANGALORE-560051

...RESPONDENTS

(BY SRI. HARISHA A S, AGA FOR R1 TO R3
SRI. ASHOK HARNAHALLI, SENIOR ADVOCATE FOR
SRI. G. ABHIJITH HARANAHALLI, ADVOCATE FOR R4
SRI. PAWAN KUMAR, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE
RESPONDENT NO.3 POLICE TO GIVE PROTECTION TO THE
PETITIONERS TO NOT EVICT THE PETITIONERS FROM THE



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PETITION SCHEDULE PROPERTY WITHOUT FOLLOWING DUE PROCESS OF LAW.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

"i) Issue a Writ in the nature of Mandamus or any other appropriate writ to direct the Respondent No.3 Police to give protection to the Petitioners to not evict the Petitioners from the Petition Schedule Property without following due process of law;

ii) Consequently, Issue Writ in the nature of Mandamus or any other appropriate writ directing the Respondents to not to dispossess the Petitioners from the Petition Schedule Property without any Valid Court Order or Decree;

iii) Grant such other orders as this Hon'ble court deems fit in the fact and circumstances of the case in the interest of justice."

2. This Court vide order dated 02.04.2026 ordered as under:

"Heard learned Senior Counsel appearing for the petitioners.

Prima facie, the submissions of the learned Senior Counsel for the petitioners, coupled with the material on record, indicate that the demolition of

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the residential property is being undertaken at the instance of an agreement holder, who claims rights under a contract allegedly executed by the petitioners' sister. The petitioners claim to be in settled physical possession and are residing in the property in question. The photographs placed on record also disclose that demolition activity has been initiated; however, the extent and status of such demolition would require verification from the learned AGA.

In this backdrop, this Court deems it necessary to emphasize the statutory duty cast upon the jurisdictional police authorities to act in accordance with law. When a complaint discloses the commission of cognizable offences, it is incumbent upon the police officer concerned to register a First Information Report forthwith and proceed with investigation, in compliance with the mandate of law. Failure to do so would amount to dereliction of duty and cannot be countenanced by this Court.

Learned AGA shall secure instructions from the jurisdictional Police Officer by next date of hearing.

Till then, the status of the property shall be maintained as it is today.

Learned AGA is directed to accept notice for respondent Nos.1 to 3.

Issue emergent notice to respondent No.4.

Sri.Pawan Kumar, learned Standing Counsel is directed to accept notice for respondent No.5.

Simultaneously, learned counsel for the petitioners is permitted to serve notice to respondent No.4 by way of hand summons.

Re-list this matter on 08.04.2026."

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3. Learned Senior counsel for respondent No.4-private respondent, in support of the contentions put forth in the statement of objections submits that subsequent to the filing of the present writ petition and the interim protection granted by this Court vide order dated 02.04.2026, the petitioners have filed a suit (O.S. No.2419/2026) before the Principal City Civil and Sessions Judge, Bengaluru¹, wherein respondent No.4 has been arrayed as defendant No.1 in the said suit. Copies of the plaint, written statement and counter claim filed in the said suit have been placed on record by the learned counsel for respondent No.4 along with a memo. It is relevant to notice the reliefs sought for in the suit, which are extracted hereunder for ready reference:

"WHEREFORE, the Plaintiffs most respectfully prays that this Hon'ble Court be pleased to pass judgment and decree of permanent and Mandatory injunction in favour of the Plaintiffs;

a) Restraining the Defendants, their agents, henchmen, servants, third parties or anyone claiming any right under him by an order of Permanent Injunction from Developing the Suit Schedule Property and interfering with the peaceful possession and enjoyment of the Suit Schedule Property by the Plaintiff,

b) Grant a decree of Mandatory Injunction directing Defendants to:

¹ Hereinafter referred to as the 'Trial Court'



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I. Restore the suit schedule property to its original condition;

II. Reconstruct the demolished residential structure;

OR in the alternative,

III. pay damages as assessed by this Hon'ble Court

c) Direct the Defendant to pay the cost of the proceedings, and,

d) Such other relief or reliefs that this Hon'ble Court may deems fit in the facts and circumstances of the case."

4. Along with the suit, the plaintiffs have filed an application under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908² for grant of an *ad interim* order of Temporary Injunction to restrain the defendants from interfering with their peaceful possession and enjoyment of the suit property.

5. It is stated that no orders have been passed by the Trial Court on the interim applications filed in the suit since an order of *status quo* was granted in the present writ petition.

6. It is vehemently disputed by respondent No.4 that the petitioners are in possession of the property in question, which is the subject matter of the suit. It is further submitted

² Hereinafter referred to as 'CPC'



that the building that is standing in the suit property has been partially demolished.

7. The petitioners herein, who are the plaintiffs in the suit are claiming right, title and interest in the property in question pursuant to a Will dated 27.12.2007 (Annexure A to the writ petition). Respondent No.4 is claiming right, title and interest in the property in question pursuant to a Will dated 09.11.2006 (Annexure-R11 to the statement of objection), which is stated to have been probated pursuant to the order dated 29.04.2010 passed in Probate Petition No.1074/2009 by the High Court of Judicature at Bombay.

8. It is clear from the aforementioned that the contesting parties are claiming right, title and interest in an immovable property. Further, the claim of the petitioners to be in possession of the property in question is disputed by respondent No.4.

9. Learned counsel for the petitioners submits that the interim protection granted by this Court vide order dated 02.04.2026 be extended until consideration of the interim applications by the Trial Court in the suit.



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10. At this juncture, it is pertinent to note that subsequent to filing of the present writ petition, the petitioners have filed the suit on 06.04.2026. The interim application in the suit has been filed along with the plaint and the said interim application is pending consideration before the Trial Court for more than six months.

11. In this context, although it is the vehement contention on behalf of respondent No.4 that *ex-facie* the present writ petition is not maintainable and is liable to be rejected, in view of the peculiar factual matrix of the present case, whereunder the parties seek to assail right title and interest in the immovable property, which is the subject matter of consideration before the Trial Court, it is expedient that the present petition be disposed of requesting the Trial Court to dispose of the interim applications in the suit, as expeditiously as possible.

12. The learned counsels appearing for petitioners and respondent No.4 submit that they will co-operate with the Trial Court for adjudication of the interim application/s.

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13. Having regard to the assertion of the petitioners that no precipitative action was taken consequent to the interim order dated 02.04.2026 and the adjudication of the interim application in the suit has not been done having regard to the order dated 02.04.2026 passed by this Court, it is expedient that no further precipitative action in the suit property be taken in any manner for a period of three weeks from date. However, the same shall not be construed by the Trial Court as an opinion expressed by this Court on the merits of the rival claims of the parties. The Trial Court shall consider the interim application/s filed in the suit on its merits in accordance with law.

14. The writ petition stands disposed of in the aforementioned terms.

15. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE