



CNR: KAHC010285252018

NC: 2026:KHC:43151
WP No. 40872 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 40872 OF 2018 (GM-CPC)

BETWEEN:

C LAKSHMAIAH
S/O CHINNAPPAIAH,
R/AT NO.189,
NAGASHETTYHALLI,
SANJAYNAGAR POST,
BANGALORE - 560 094

...PETITIONER

(BY SRI. V. VISHWANATH SHETTY, ADVOCATE)

AND:

1. THE EXECUTIVE OFFICER
EARLIER (THE BLOCK DEVELOPMENT OFFICER)
YALAHANKA,
BANGALORE - 560 063
2. NAGARAJA
MAJOR IN AGE,
S/O GOVINDAPPA,
MAVALLIPURA,
R/AT SHIVAKOTE AT POST,
HESARAGHATTA HOBLI,
BANGALORE NORTH TALUK - 560 068
3. THE GOVERNMENT OF KARNATAKA
REPRESENTED BY ITS

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by
ANNAPURNA G
Location: High
Court of
Karnataka



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CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE - 560 001

...RESPONDENTS

(BY SRI. SANTOSH RAJ DESHMUKH, AGA FOR R1 AND R3

SRI. V VIJAYASHEKARA GOWDA, ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE ORDER DTD 24.07.2018 AND THE SCOPE OF ENQUIRY SHOULD BE CONFINED SO FAR AS I.A.NO.IV IS CONCERNED ONLY TO THE EXTENT OF THE BUILDING BELONGING TO THE SCHOOL CONSTRUCTED IN VIOLATION OF THE DECREE AND WHETHER THE PETITIONER IS IN POSSESSION OR NOT, CANNOT BE A SUBJECT MATTER OF ENQUIRY VIDE ANNEX-K IN EXECUTION NO.12/2013 AND 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 24.07.2018 passed in Execution Case No.12/2013 by the I Additional Civil Judge, Bengaluru Rural District, Bengaluru (hereinafter referred to as the 'Executing Court' for short).



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2. Sri V. Vishwanath Shetty, learned counsel appearing for the petitioner submits that the petitioner filed O.S.No.274/1996 against the respondents herein seeking the relief of injunction. The Trial court, vide order dated 24.02.2005, decreed the said suit. Thereafter, respondent No.1 preferred an appeal in R.A.No.134/2005, which also came to be dismissed on 29.06.2009, and the judgment and decree of the trial Court attained finality. Thereafter, an Ex.P.No.12/2013 was filed.

3. In the said execution petition, some villagers filed I.A.No.4 under Section 47 read with Order XXI Rules 58, 1 and 2 of the Code of Civil Procedure, 1908 (for short, 'CPC') as objectors. The said application was duly considered by the Executing Court and vide order dated 02.04.2018 rejected the same.

4. It is submitted that the Block Education Officer, Department of Public Instructions, Yelahanka, Bengaluru had filed a similar application in I.A.No.3 under Section 47 read with Order XXI Rule 58 read with Section 151 of the



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CPC and the trial Court ought to have rejected the said application by taking into consideration the earlier order. However, by the impugned order, the matter was posted for an enquiry.

5. It is further submitted that the objector is now claiming a right over the suit schedule property and that he has to establish the said right by filing an independent suit and not as an objector in the execution proceedings. It is also submitted that the Block Development Officer, Yelahanka and the State of Karnataka were the parties in the suit as well as the appeal, and having lost the proceedings, cannot maintain the application of the objector to object the execution proceedings. Hence, he seeks to allow the petition.

6. I have heard the arguments of the learned counsel for the petitioner and the learned Additional Government Advocate, who supports the order of the Executing Court and perused the material available on record.



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7. It is to be noticed that the petitioner filed O.S.No.274/1996 seeking the relief of permanent injunction against the Block Development Officer, Yelahanka, Bengaluru, Sri Nagaraj and the Government of Karnataka represented by its Chief Secretary. The said suit came to be decreed vide judgment dated 24.02.2005.

8. The Block Development Officer, represented by the Executive Officer, Taluk Panchayath, Bengaluru North, Yalahanka, Bengaluru - 64, preferred an appeal in R.A.No.134/2005. The said appeal came to be dismissed on 29.06.2009. Thereafter, the petitioner/plaintiff filed Execution Case No.12/2013.

9. In the said proceedings, the villagers filed I.A.No.4 under Section 47 read with Order XXI Rule 58, 1 and 2 of the CPC as objectors, which came to be rejected vide order dated 02.04.2018 by the Executing Court by recording reasons. The said order has attained finality.

10. It is to be noticed that in the said execution proceedings, the Block Education Officer, Department of



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Public Instruction, North Range-4, Yelahanka, Bengaluru filed an application under Section 47 read with Order XXI Rule 58 read with Section 151 of the CPC seeking to object the execution proceedings on certain grounds. The trial Court ordered to hold an enquiry.

11. A perusal of the provisions of law makes it very clear that if an objector prima facie establishes that he has an objection to the execution proceedings, the Executing Court is duty-bound to consider the said objection by conducting an enquiry. Considering the said aspect, the Executing Court has proceeded to order to hold an enquiry.

12. I do not find any error in the impugned order calling for interference in the present petition.

13. Accordingly, the writ petition is devoid of merits and the same is ***rejected***.



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14. The Executing Court is directed to consider the objections of the objector and conclude the enquiry as expeditiously as possible, without there being any delay.

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

SHS
List No.: 1 Sl No.: 14