



CNR: KAHC010292172026

NC: 2026:KHC:46782
WP No. 13991 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO. 13991 OF 2026 (GM-CPC)

BETWEEN:

PUTTANNA
S/O LATE SHIVABASAPPA,
AGED ABOUT 60 YEARS,
REP. BY HIS GPA HOLDER,
P.POORNACHANDRA,
S/O PUTTANNA,
AGED ABOUT 39 YEARS,
R/AT ARALIKATTE VILLAGE,
HARAVE HOBALI,
CHAMARAJANAGAR TALUK.

...PETITIONER

(BY SMT. B.V.VIDYULATHA, ADVOCATE)

AND:

1. PUTTABASAMMA,
S/O LATE KULLAIAH,
AGED ABOUT 78 YEARS.
2. MAHADEVIAIAH
S/O LATE MARISIDDAIAH,
AGED ABOUT 70 YEARS.
3. GURUSIDDAIAH,
S/O LATE MARISIDDAIAH,
AGED ABOUT 58 YEARS.

Digitally
signed by K S
RENUKAMBA

Location:
High Court of
Karnataka



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4. CHIKKANAMMA
W/O LATE GALIMADIAH,
AGED ABOUT 70 YEARS.

BASAMMA (DIED BY LRS),
W/O LATE NANJIAH,
AGED ABOUT 67 YEARS.
5. MAHADEVALAH,
S/O LATE NANJIAH AND BASAMMA,
AGED ABOUT 39 YEARS,
6. SIDDAIAH,
S/O LATE KUNTEKALIAH,
AGED ABOUT 83 YEARS.
7. MAHESH,
S/O SIDDAIAH,
AGED ABOUT 45 YEARS.
8. MAHADEVIAH,
S/O GURUSIDDAIAH,
AGED ABOUT 50 YEARS.
9. ANKAIAH,
S/O LATE MARICHENNAIAH,
AGED ABOUT 86 YEARS.
10. MAHADEVIAH,
S/O LATE RANGAIAH,
AGED ABOUT 51 YEARS.
11. MAHADEVA SWAMY,
S/O LATE RANGAIAH,
AGED ABOUT 42 YEARS.
12. MAHADEVIAH,
S/O LATE SIDDAIAH,
AGED ABOUT 57 YEARS.



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DEVAMMA (DIED BY LRS)
W/O LATE GURUSIDDAIAH,
AGED ABOUT 68 YEARS.

13. JYOTHI,
W/O LATE MAHADEVIAH,
AGED ABOUT 54 YEARS,

14. ARATHI,
W/O MAHADEVIAH,
D/O LATE MAHADEVAIAH AND JYOTHI,
AGED ABOUT 40 YEARS,

15. MAHADEVASWAMY,
S/O LATE MAHADEVIAH AND JYOTHI,
AGED ABOUT 27 YEARS,

16. MADHANKUMAR,
S/O LATE MAHADEVIAH AND JYOTHI,
AGED ABOUT 24 YEARS,

17. LAKSHMI,
W/O BRAMHALINGASWAMY,
D/O LATE MAHADEVIAH AND JYOTHI,
AGED ABOUT 22 YEARS,

18. RANGASWAMY,
S/O LATE DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 62 YEARS,

19. BASAVAIAH,
S/O LATE DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 55 YEARS,



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20. GURUSIDDAMMA,
W/O GURUSIDDAIAH,
D/O LATE DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 65 YEARS,

RESPONDENTS NOS.1 TO 20 ARE
R/AT: ARALIKATTE VILLAGE,
HARAVE HOBALI,
CHAMARAJANAGAR TALUK.

21. MAHADEVAMMA,
W/O CHINNASWAMY,
D/O LATE DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 55 YEARS,
R/AT KILALLIPURA VILLAGE,
HARAVE HOBALI,
CHAMARAJANAGAR TALUK.

22. CHAMUNDI,
D/O LATE DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 45 YEARS,

23. MAHI,
W/O LATE JAYASHILA,
D/O LATE DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 45 YEARS,
R/AT KUDLUPURA VILLAGE,
HARAVE HOBALI,
CHAMARAJANAGAR TALUK.

24. SURESH
S/O DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 47 YEARS,



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25. NANJUNDA
S/O DEVAMMA AND
LATE GURUSIDDAIAH,
AGED ABOUT 47 YEARS.

RESPONDENTS NOS.22, 24 AND 25
ARE R/AT:ARALIKATTE VILLAGE
HARAVE HOBALI,
CHAMARAJANAGAR TALUK.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR OTHER SIMILAR WRIT OR ORDER OR DIRECTION QUASHING THE ORDER DATED 19.09.2025 PASSED ON I.A. NO.V FILED BY THE PETITIONER IN EX.NO.04/2024 ON THE FILE OF PRL. CIVIL JUDGE AND JMFC, CHAMARAJANAGARA AT ANNEXURE-E; (2) ISSUE A DIRECTION, QUASHING THE ORDER DATED 02.04.2026 PASSED ON I.A. NO.VI FILED BY THE PETITIONER IN EX.NO.04/2024 ON THE FILE OF PRL. CIVIL JUDGE AND JMFC, CHAMARAJANAGARA AT ANNEXURE-H AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI

ORAL ORDER

Heard the learned counsel for the petitioner.

2. This petition, purportedly under Article 227 of the Constitution of India seeks the following reliefs:

"1. Issue a writ of Certiorari or other similar Writ or Order or Direction quashing the order dated 19.09.2025 passed on I.A.No.5 filed by the



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Petitioner in EX No.04/2024 on the file of Prl. Civil Judge and JMFC, Chamarajanagara at ANNEXURE - E to the Petition.

2. *Issue a Writ of Certiorari or other similar Writ or Orders or a Direction quashing the order dated 02.04.2026 passed on I.A. No.6 filed by the Petitioner in EX No.04/2024 on the file of Prl. Civil Judge and JMFC, Chamarajanagara at ANNEXURE - H to the Writ Petition.*
3. *Issue a Writ of Mandamus or any other similar Writ or Order or Direction allowing I.A. No.06/2026 filed in EX No.04/2024, on the file of Prl. Civil Judge and JMFC, Chamarajanagara at ANNEXURE - G to the Writ Petition.*
4. *Pass such other orders or direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, and in the interest of equity and justice."*

3. At the outset, given the fact that the execution proceedings arises from a civil suit and given the judgment of the Supreme Court in **Radhey Shyam and Another vs. Chhabi Nath and Others**¹ a Writ Petition under Article 226 would not be maintainable. Office is required to put up its objections as to maintainability of such writ petitions seeking issuance of writs.

4. However, treating this petition under Article 227 of the Constitution of India, the matter is being considered.

¹ (2015)5 SCC 423



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5. As is evident from perusal of the decree dated 30.09.2022 which is signed by the Principal Civil Judge and J.M.F.C., Chamarajanagar on 15.10.2022, the plaintiff was declared as the absolute owner and title holder of 'B' schedule property. The defendants were directed to handover the vacant possession of 'B' schedule property to the plaintiff. The defendants or anybody claiming under them were restrained by way of permanent injunction from interfering with the plaintiff's peaceful possession and enjoyment of 'B' and 'C' schedule property. The 'B' and 'C' schedule properties are mentioned in the decree.

6. An Execution Petition bearing Ex.No.04/2024 was filed to execute the decree. In the execution, an application I.A. No.V was filed seeking a direction to the Circle Police Inspector of Begur Police Station or his subordinate officers, Begur village to give police protection to the decree holder to fix CCTV cameras in 'C' schedule property mentioned in the Execution Petition.

7. By an order of 19.09.2025, I.A. No.V filed by the decree holder was rejected on the ground that since the decree



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holder has to take steps for recovery of possession of 'B' schedule property from judgment debtors and an enquiry is required to be conducted to establish interference by the judgment debtors in his possession in the 'C' schedule property. It was observed that without such enquiry, the Court could not give such police protection for installation of CCTV camera on his land which is beyond the relief claimed in the decree. It was stated that the Court would take action against the judgment debtor if they violated the decree. The Court observed that before passing any such order, the Court has to conduct enquiry and the decree holder cannot seek such reliefs for installation of CCTV camera etc. because there are some procedures for installation of camera which have to be followed before installation. The Court observed that there is a chance of misuse of order by the parties which would amount to violation of right of privacy of others.

8. It is stated by counsel for the petitioner that Annexure - F is the enquiry conducted by the Court, in proceedings under Order XVIII Rule 4, which is but an examination of the witness PW.1. It is stated that certain



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documents too have been marked. Thereafter, applications I.A. Nos.VI and VII were filed in which relief of police protection was sought by the decree holder for taking suitable legal action against the judgment debtors and their supporters for interfering to the decree holder's peaceful enjoyment of the 'C' schedule property of the Execution petition. By the order dated 02.04.2026, I.A. Nos.VI and VII were decided. I.A. No.VII has not been enclosed with this petition. Learned counsel for the petitioner orally states that I.A. No.VII was withdrawn.

9. However, from perusal of the order dated 02.04.2026 of the Court, it appears that both applications were considered. The Court records that I.A.No.V under Section 151 of CPC was filed, which was rejected by the Court with reasons. Thereafter, the decree holder examined himself as PW.1 and got marked 17 documents and the matter was posted for cross-examination of PW.1. The Court mentions that the applications (I.A.Nos.VI and VII) were moved by the decree holder for the same relief by seeking police protection for installation of CCTV camera in schedule 'C' property. The Court noted that the contents of the affidavit filed by the decree



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holder reflected that he does not want to dispose of the petition (Execution Petition) on merit and he intended to take police protection for installation of CCTV camera. The submission of the counsel was recorded that the applications were filed with an intention to protect his property. However, the Court recorded that as per decree, he need to get possession of 'B' schedule property from the judgment debtor. The Court noted that despite the matter being posted for cross-examination of PW.1, instead of leading evidence on merits, those applications had been moved by the decree holder. The Court observed that the documents produced by the decree holder would be considered at the time of disposal of the petition on merits. It was further noted that the decree holder was seeking protection from the police who had jurisdiction in another Taluk. Reference to the previous order dated 19.09.2025 in respect of a similar application I.A. No.V was also made. It was noted that the decree holder himself stated in the affidavit that as judgment debtor Nos.6 and 7 were trying to construct room in the property, therefore, evidence was required for proof of interference. It was observed that the Court cannot pass an order by directing the police of Begur Taluk, Gundlupet to



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protect the decree holder at the time of installation of CCTV camera in the suit schedule 'C' property. The Court noted that the properties are agricultural lands and the allegation is that the judgment debtor was trying to construct room and take away coconuts from the properties. It was stated that the act of the judgment debtor would not take away the possession of the decree holder in suit schedule 'C' property and he had already led evidence on merit. Accordingly, I.A. Nos.VI and VII were rejected.

10. There is no error or illegality in the orders passed by the Executing Court in rejecting the applications. There is no material filed in this petition to demonstrate that the suit schedule 'B' and 'C' properties are demarcated. Be that as it may, the relief sought for in the applications are to install CCTV cameras, which relief was certainly not decreed. The Executing Court has referred to the right of privacy of the defendants.

11. Finding no illegality in the order, this petition is dismissed.



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12. A copy of this order shall be communicated to the Court concerned within a fortnight by the Registry.

Sd/-
(JAYANT BANERJI)
JUDGE

KG
List No.: 1 Sl No.: 3