



CNR: KAHC010321412026

NC: 2026:KHC:44623-DB
WA No. 1371 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1371 OF 2026 (GM-POLICE)

BETWEEN:

1. MR K. SAMEERNATH
S/O K.M. KRISHNA RAO
AGED ABOUT 63 YEARS
NO.855, 25TH 'A' MAIN ROAD
HSR LAYOUT, SECTOR-I
BENGALURU - 560 102

...APPELLANT

(BY SRI MURALIDHAR H.M., ADVOCATE)

AND:

1. PARAPPANA AGRAHARA POLICE
PARAPPANA AGRAHARA
BENGALURU - 560 100
REPRESENTED BY
SUB INSPECTOR OF POLICE
2. BENGALURU CITY POLICE
INFANTRY ROAD
BENGALURU - 560 001
REPRESENTED BY ITS COMMISSIONER
3. DEPUTY COMMISSIONER OF POLICE
BENGALURU EAST
KORAMANGALA
BENGALURU - 560 034

Digitally signed
by AMBIKA H B
Location: High
Court of
Karnataka



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4. SMT. SAKAMMA
W/O GOVINDAPPA
AGED ABOUT 73 YEARS

5. SMT. G. MANJAMMA
D/O GOVINDAPPA
AGED ABOUT 36 YEARS

RESPONDENTS No.4 & 5 ARE
RESIDING AT BARADI VILLAGE
MANDIGERE POST
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT

6. SIVASIDDEGOWDA BASAVARAJU
S/O SIVASIDDE GOWDA
AGED ABOUT 34 YEARS
NO.10/11, RUDRAPPA GARDEN
1ST MAIN, KASTURBA NAGARA
CHARAMRAJPET
BENGALURU - 560 018

...RESPONDENTS

(SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR
R-1 TO R-3)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL, SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.12020/2023 DATED 13/03/2026, OR IN THE ALTERNATIVE PASS SUCH OTHER ORDER/S AS THIS HON'BLE COURT DEEM FIT TO PASS ON THE FACTS AND IN THE CIRCUMSTANCES OF THE CASE.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 13.03.2026 passed by the learned Single Judge in W.P.No.12020/2023 (GM-POLICE).
2. The appellant had filed the said petition, *inter alia*, impugning an endorsement dated 01.06.2023 issued by respondent No.1- Police Inspector, Parappana Agrahara Police Station, Bengaluru City, whereby the police authority had declined to grant any protection on the ground that the subject dispute was essentially civil dispute between the appellant and respondent Nos.4 to 6.
3. It is the appellant's case that he had raised a construction on the property bearing No.31, Khata No.144 situated at Parappana Agrahara, Begur Hobli, Bengaluru South Taluk. It was alleged that the private respondents were interfering in his possession and enjoyment of the property. In the meanwhile, the Bruhat Bengaluru Mahanagara Palike [**BBMP**] had issued an order dated 15.03.2023



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under Section 248(1) of the Bruhat Bengaluru Mahanagara Palike Act, 2020, for removing unauthorised construction. The appellant claimed that the private respondents were interfering with the appellant to comply with the said order for removing the construction waste.

4. Admittedly, there are disputes between the parties, *inter alia*, in regard to the property in question.

5. The learned counsel for the appellant had also referred to an order dated 27.06.2022 passed by this court in MFA No.4216/2022 (CPC) in support of his contention that there was no dispute that the appellant had raised the construction on the subject property. The said order indicates that the appellant had filed a suit being O.S.No.2136/2021 before the VII Additional City Civil and Sessions Judge, Bengaluru [**Civil Court**]. In the said proceedings, the appellant had filed an application under Order XXXIX Rule 1 and Rule 2 of the Code of Civil Procedure, 1908 which was allowed and the defendants (Smt.Sakamma and Smt.G.Manjamma) had been restrained from interfering with the appellant's possession and enjoyment of the suit schedule property. It was the appellant's



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contention that the property measuring 1,200 square feet was part of a larger property which measures 1,800 square feet and is owned by him. However, the private respondents had contended that the subject property measures only 1,200 square feet. The court had disposed of the said appeal in the following terms:

"This Court, in the circumstances of the case, is not persuaded to opine that the civil Court, which has relied upon the circumstances asserted by the first respondent, has erred in restraining the appellants from interfering with the construction by the first respondent. However, this Court must opine that with the construction as it is now, if there is future construction, the same should be subject to the outcome of the suit."

6. It is contended by the appellant that in view of the said proceedings, there would be no dispute whether the appellant has the right to demolish part of the construction pursuant to the order issued by BBMP. He also submitted that there was a circular which enjoined the police authorities to act in aid of the orders passed by the court without any further directions. He contended that thus, the police authorities were required to offer necessary protection in aid of the orders passed by the court.



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7. However, we find that there is no order of the court that directs the appellant to demolish part of the construction and therefore, the reliance on the circular as mentioned is misplaced. It is also apparent and clear that there are disputes between the parties which are pending adjudication. The operative part of the order dated 27.06.2022 which was relied upon by the appellant as set out above, which confirms the interim order restraining the private respondents from interfering with the construction of the appellant. However, the court had also directed that the decision was only in regard to the construction as it existed at the material time (27.06.2022) and would not apply to any further construction.

8. Given the nature of the controversy, we find no infirmity with the police authorities holding that the dispute is essentially a civil dispute. We also find no fault with the impugned order.

9. In view of the above, the appeal is dismissed. However, we clarify that, it is clear that if the appellant obtains any order from a competent court having jurisdiction over the pending civil proceedings, for restraining the private respondents from interfering in demolition of the property for removal of unauthorised



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construction, the concerned police authority shall render the necessary protection.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

KPS
List No.: 2 SI No.: 14