



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF JULY, 2026**

**BEFORE
THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO. 18069 OF 2026 (GM-CPC)**

BETWEEN:

1. UDUPI KASARAGODU TRANSMISSION LIMITED
COMPANIES ACT 1957
PROJECT OFFICER, 4TH FLOOR,
ABCO TRADE CENTER, NH 66,
KOTTARA CHOWKI, MANGALORE,
DAKSHINA KANNADA - 575 006
REP BY AUTHORIZED SIGNATORY
SRI VENKATESH KUMAR PUJARI
AGED ABOUT 37 YEARS
2. UDUPI-KASARAGODU TRANSMISSION LIMITED,
COMPANIES ACT 2013
REP. BY ITS CHIEF MANAGER,
H.NO. 13/131 (OLD NO. 7/117),
ITI COLONY, VIDHYA NAGAR,
KASARAGODU,
KERALA, PIN - 671 123
REP BY AUTHORIZED SIGNATORY
SRI VENKATESH KUMAR PUJARI
AGED ABOUT 37 YEARS

...PETITIONERS

(BY SRI. SRINIVASA RAGHAVAN, SENIOR COUNSEL FOR
SRI. THAKUR RISHABH RAJ, ADVOCATE)

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



AND:

1. SMT LALITHA SHETTY
W/O. LATE SUNDARA SHETTY,
AGED ABOUT 68 YEARS,
R/AT NO.1-13, DEVASYA HOUSE,
VITTAL KASABA VILLAGE,
VITTAL POST,
BANTWAL TALUK - 574 243
2. THE DEPUTY COMMISSIONER,
DAKSHINA KANNADA DISTRICT,
MANGALORE - 575 001.
3. THE ASSISTANT COMMISSIONER,
MANGALORE SUB-DIVISION,
MANGALORE,
DAKSHINA KANNADA DISTRICT - 575 001

...RESPONDENTS

(BY SRI. SHRIDHAR PRABHU, ADVOCATE FOR R1

SRI. SANJAY YADAV B., AGA FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE PROCEEDINGS IN O.S.NO.14/2026 PENDING BEFORE THE COURT OF THE PRL. CIVIL JUDGE AND JMFC, BANTWAL, AS BEING WITHOUT JURISDICTION AND NOT MAINTAINABLE AND ETC.

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



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The petitioners are aggrieved by the order granting an injunction and continuing the temporary injunction passed in OS No. 14/2026 dated 14.01.2026 by the Principal Civil Judge and JMFC, Bantwal, whereby, since February 2026, the Trial Court has repeatedly extended the order of temporary injunction without considering the petitioners' application.

2. When the matter came up for hearing before this Court, the office objected to the maintainability of this writ petition. Under the law, the petitioners have a remedy to file an appeal before the Appellate Court against an order granting or refusing an injunction, and having done so, the petitioners have preferred this writ petition.

3. When the matter came up for hearing on 24.06.2026, this Court passed the following order:

"The petitioners are the Udupi - Kasaragodu Transmission Limited which are defendant Nos.3 and 4 in the suit. The petitioners are laying a 400 KV Quad D/C transmission line and the suit for injunction is filed seeking a direction to restrain the defendants from laying the transmission lines in the plaintiff's land. Along with the suit, they have filed



I.A.No.II seeking dispensation of statutory notice. I.A.No.III is filed seeking injunction, restraining them from forcibly drawing 400 KV electric line over and above the plaint schedule property.

The Court has granted injunction. While granting injunction, the Court has observes that; after going through the material available on record, at this stage, the Court is of the considered opinion that the plaintiff has made out a prima facie case for grant of an ad interim ex parte order of temporary injunction as prayed, so as to mitigate future complications. Further, the very purpose of granting injunction will be defeated by the delay. Considering the extreme urgency made by the plaintiff, the notice on Item No.III to the defendants as contemplated under Order 39 and Order 3 of CPC is dispensed with.

Learned counsel appearing for the petitioners submits that the petitioners have entered appearance on 24.02.2026. He has filed written statement and I.A seeking to vacate the interim injunction that is granted. It is the grievance of the petitioners that inspite of repeated requests made by the petitioners, the said matter was not heard by the Court so far. He has relied on the judgment passed by a Dharwad Bench order arising out of WP No.102751/2024 in the case of M/s.Serentica Renewables India Private Limited Vs. Sri. Basappa dated 16.07.2024, wherein the Court has referred to the Circular dated 04.11.2020 issued by the High Court wherein, the Principal City Civil and Session Judge, Bangalore City, and also the Principal District and Session Judges in the State, are directed that one specific day in a week shall be dedicated for the trial of suits pending before the existing designated Special Courts under Section 20B of the Specific Relief Act, on priority basis. It is submitted that only the Special Court has got jurisdiction to hear the suit. But, the Principal Senior Civil Judge and JMFC, Bantwal has passed this order.

This Court has perused the order, the Circular, the order passed by the Civil Judge and also by way of injunction, the Trial Court has restrained the petitioners - defendants from laying the electricity line which is in the larger interest of the public.



In these circumstances, all further proceedings in O.S.No.14/2026 dated 21.04.2026 pending on the file of the Court of Principal Civil Judge and JMFC, Bantwal is stayed until further orders.

Issue notice to respondent No.1.

Learned Additional Government Advocate accepts notice for respondent Nos.2 and 3. Learned counsel for the petitioners are permitted to take out hand summons and file a memo to that effect."

4. Thereafter, it was again brought to the notice of this Court that, despite the order passed by this Court, the learned Judge had extended the order of temporary injunction. Accordingly, this Court passed the following order on 02.07.2026:

"This Court passed the following order on 24.06.2026:

The petitioners are the Udupi - Kasaragodu Transmission Limited which are defendant Nos.3 and 4 in the suit. The petitioners are laying a 400 KV Quad D/C transmission line and the suit for injunction is filed seeking a direction to restrain the defendants from laying the transmission lines in the plaintiff's land. Along with the suit, they have filed I.A.No.II seeking dispensation of statutory notice. I.A.No.III is filed seeking injunction, restraining them from forcibly drawing 400 KV electric line over and above the plaint schedule property.

The Court has granted injunction. While granting injunction, the Court has observed that; after going through the material available on record, at this stage, the Court is of the considered opinion that the plaintiff



has made out a prima facie case for grant of an ad interim ex parte order of temporary injunction as prayed, so as to mitigate future complications. Further, the very purpose of granting injunction will be defeated by the delay. Considering the extreme urgency made by the plaintiff, the notice on Item No.III to the defendants as contemplated under Order 39 and Order 3 of CPC is dispensed with.

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This Court has perused the order, the Circular, the order passed by the Civil Judge and also by way of injunction, the Trial Court has restrained the petitioners - defendants from laying the electricity line which is in the larger interest of the public.

In these circumstances, all further proceedings in O.S.No.14/2026 dated 21.04.2026 pending on the file of the Court of Principal Civil Judge and JMFC, Bantwal is stayed until further orders.



Issue notice to respondent No.1.

Learned Additional Government Advocate accepts notice for respondent Nos.2 and 3.

Learned counsel for the petitioners are permitted to take out hand summons and file a memo to that effect."

2. In the said order, this Court observed that, as per the Circular issued by the High Court, the Principal Civil Judge and JMFC, Bantwal, has no jurisdiction to grant an injunction. Only the designated District Court has the jurisdiction.

3. Learned counsel for the petitioner submits that the order dated 24.06.2026 passed by this Court was brought to the notice of the learned Judge on 25.06.2026, and a copy of the order was placed before the learned Judge. The learned Judge had passed the following order:

"Counsel for plaintiff filed memo for extension of exparte TI order. In the interest of justice, Exparte TI order is extended till next date of hearing. Counsel for defendants no.3 and 4 filed memo with online status of WP No. 18069/2026 where in the Honble High Court of Karnataka was pleased to stay the further proceedings of this case. Await further orders by 07.08.2026."

4. Firstly, the order discloses that, as per the circular issued by the High Court, the learned Judge has no jurisdiction to pass an order of injunction in matters of this nature, where the Court has restrained the petitioner herein from laying the 400 KV Quad D/C transmission line. When this Court specifically stayed all further proceedings in the suit, the learned Judge has extended the interim order by observing that await further orders by 07.08.2026. On the face of it, this order is contrary to the order passed by this Court. Judicial discipline requires that the orders of



the higher Court shall be obeyed, and failure to do so undermines the rule of law and the administration of justice.

5. The Registrar (Judicial) is directed to call for a report from the concerned Judge. It is made clear that the order of the learned Judge dated 25.06.2026 extending the interim injunction until 07.08.2026 is suspended.

6. List this matter on 08.07.2026 and by that time, the report of the learned Judge shall be placed before this Court."

5. Thereafter, a report was placed before this Court by the learned Trial Judge stating that, during the first half of the day, he had extended the interim order. It is further stated that, in the second half of the day, when the order passed by this Court was brought to his notice, owing to the heavy board comprising more than 100 cases, he inadvertently failed to delete the earlier order extending the interim injunction. Consequently, the earlier order continued to be reflected in the proceedings. It is stated that the same occurred due to oversight.

6. Learned counsel appearing for the respondent No.1/plaintiff No.1 extensively argued and the submissions made by the learned counsel for respondent No.1 are as follows:



- I. This matter need not go before the Special Court, as the petitioners have the remedy before the competent Civil Court.
- II. The survey numbers belonging to the petitioners are not there in the said corridor. Further, as per the letter issued by the Panchayat, the petitioners may approach the competent Civil Court.
- III. The project in question is not an infrastructure project and is not intended for a public purpose. It is undertaken solely for the benefit of the Company/the plaintiff.

7. In support of the above submissions, learned counsel placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Radhey Shyam vs. Chhabi Nath**, reported in **(2015) 5 SCC 423**, and, particularly referred to paragraph Nos.28 to 29.2 of the said judgment.

"28. We may also deal with the submission made on behalf of the respondent that the view in Surya Dev Rai stands approved by larger Benches in Shail, Mahendra Saree Emporium and Salem Advocate Bar Assn and on that ground correctness of the said view cannot be gone into by this Bench. In Shail, though reference has been made to Surya Dev Rai, the same is only for the purpose of scope of power under Article 227 as is clear from para 3 of the said judgment. There is no discussion on the issue of maintainability of a petition under Article 226. In Mahendra Saree Emporium, reference to Surya Dev



Rai is made in para 9 of the judgment only for the proposition that no subordinate legislation can whittle down the jurisdiction conferred by the Constitution. Similarly, in Salem Bar Assn. in para 40, reference to Surya Dev Rai is for the same purpose. We are, thus, unable to accept the submission of learned counsel for the respondent.

29. Accordingly, we answer the question referred as follows :

29.1 Judicial orders of civil court are not amenable to writ jurisdiction under Article 226 of the Constitution;

29.2 Jurisdiction under Article 227 is distinct from jurisdiction from jurisdiction under Article 226."

8. Learned counsel also relied on the recent judgment of the Hon'ble Supreme Court in the case of ***K. Valarmathi and Others vs. Kumaresan***, reported in ***2025 INSC 606*** and particularly, he relied on paragraph Nos.8 to 14 of the said judgment in support of his submissions, which read as follows:

"8. Power of the High Court under Article 227 is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner.

9. Essence of the power under Article 227 being supervisory, it cannot be invoked to usurp the original jurisdiction of the court which it seeks to supervise. Nor can it be invoked to supplant a statutory legal remedy under the Civil Procedure Code, 1908. For example, existence of appellate



remedy under Section 96 of the Code operates as a near total bar to exercise of supervisory jurisdiction under Article 227.

10. Civil Procedure Code is a self-contained Code and Order VII Rule 11 therein enumerates the circumstances in which the trial court may reject a plaint. Such rejection amounts to a deemed decree which is appealable before the High Court under Section 96 of the Code. This statutory scheme cannot be upended by invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of plaint.

11. In the present case, High Court has supervened the provisions of the Code when it rejected the plaint on the ground it was barred by law. In doing so, the High Court not only substituted itself as the court of first instance but also rendered nugatory a valuable right to appeal available to the appellant had the issue been adjudicated by the trial court in the first place.

12. We are conscious appellate remedy against rejection of plaint is not available if the High Court had in its revisional jurisdiction 5 In short, 'the Code' 6 Virudhunagar Hindu Nadargal Dharma Paribalana Sabai v. Tuticorin Educational Society, (2019) 9 SCC 538 reversed the order of trial court and rejected the plaint. In Frost (International) Ltd. v. Milan Developers⁷, this Court observed as follows:-

"31. No doubt rejection of a plaint is a decree within the meaning of Section 2(2)CPC and an appeal lies from every decree passed by any court exercising original jurisdiction to the court authorised to hear appeals from a decision of such court. However, it must be borne in mind that when a Revisional Court rejects a plaint, in substance, an application filed under Order 7 Rule 11 is being allowed. Under such circumstances, the remedy by way of a writ petition under Article 227 of the Constitution could be availed and Respondent 1/the plaintiff has resorted to the said remedy in the instant case; although if the plaint had been rejected by the trial court i.e.



court of original jurisdiction, it would have resulted in a right of appeal under Section 96 CPC."

13. These observations in Frost (supra) are not relevant for the matter in issue as the High Court in the present case had not exercised its supervisory power to correct a jurisdictional error of the trial court but usurped its original jurisdiction to reject the plaint.

14. Procedural law provides the necessary legal infrastructure on which edifice of rule of law is built. Short-circuiting of procedure to reach hasty outcomes is an undesirable propensity of an overburdened judiciary. Such impulses rendering procedural safeguards and substantive rights otiose, subvert certainty and consistency in law and need to be discouraged."

9. Relying on the aforementioned judgments, learned counsel for respondent No. 1 submitted that the present writ petition is not maintainable before this Court

10. Further, it is submitted that, as per Section 20A of the Specific Relief Act, there should be a contract between the plaintiffs and the infrastructure Company. Only then Section 20A of the Act applicable. It is contended that this writ petition ought not to have been entertained. It is further contended that the Trial Court has jurisdiction to entertain the suit. If the Trial Court has no jurisdiction, the defendants have come up with an appropriate application. Likewise, if the plaintiff or the



defendants seek any relief, they have come up with an appropriate application before the Trial Court.

11. In response, learned counsel appearing for the petitioners/defendants submits that the interim injunction was granted in March 2026. They brought all these matters to the Court's notice by filing a written statement, and the Court was required to consider whether the objections were filed within 30 days. However, without considering the objections or the application, the Court repeatedly extended the interim order. As a result, the entire infrastructure project, which is in the larger interest, has been stopped. Hence, they have come before this Court seeking a direction, where the High Court exercises supervisory jurisdiction over all Courts within the state.

12. It is submitted that several writ petitions have been filed before the Court with respect to the very same project, and the learned counsel appearing for the respondent has represented the parties in those matters. In all the matters, the Court has categorically held that the parties are entitled to compensation under the Indian Telegraph Act and that they



cannot obstruct the implementation of the said project, which is in the larger public interest.

13. He relied on Section 41 and 41(ha) of the Specific Relief Act, which provides that an injunction may be refused if it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of a relevant facility related thereto or of the service that is the subject matter of such project.

14. Relying on this, it is submitted that the Court, though it did not consider the fact that the Court has no jurisdiction, but at the same time, when it is interfering with the execution of an infrastructure project, the Court ought not to have granted an injunction and the writ petition has to be allowed.

15. Having heard the counsels on either side, perused the material on record. First coming to the issue on maintainability of the writ petition, there is no dispute about the proposition laid down in the judgment relied on by the learned counsel for the petitioners, and it is settled law. When a party has the remedy of a miscellaneous appeal or a regular



appeal, the High Court, in normal cases, will not interfere. This is a case where the petitioners' company is laying a 400 kV Quad D/c transmission line over 164 kilometers.

16. A suit is filed by the respondent herein seeking an injunction. First, the Court has to consider whether the facts regarding the project have been brought to the court's notice. Once an injunction is granted and the party appears and files his objections, the Court has to consider them within 30 days. Unfortunately, in this case, since February the Court has been continuously extending the interim order without considering the defendants' case, which would cause a lot of prejudice to the defendants per se and, in the facts and circumstances of the case, where the infrastructure project is in the larger public interest.

17. In these circumstances, the submission of the learned counsel for the respondents is rejected, namely, that this Court cannot interfere with the order passed by the Trial Court. When this Court is exercising the supervisory jurisdiction under Article 227 of the Constitution of India, when the Trial Court failed to adhere to the procedure contemplated under the



CPC and also failed to consider the objections filed under the Specific Relief Act, where there is a bar of jurisdiction and the interim injunction is continuously extended. This is a fit case where the Court has to look into and interfere with the order passed by the Trial Court.

18. Then coming to the merits of the matter, the suit is filed seeking a permanent prohibitory injunction restraining the defendants, their subordinates, officers, their men, servants, assignees in interest or any persons claiming through them, etc., from any way forcibly drawing a 400 KV electric line over and above the plaint schedule properties by cutting any of the tree growths or agricultural improvements situated in the plaint schedule properties. The respondents to the suit are the Deputy Commissioner, the Assistant Commissioner, Udupi-Kasaragodu Transmission Limited, represented by the Project Officer, and 4th Udupi-Kasaragodu Transmission Limited, represented by its Chief Manager.

19. It is stated in the plaint that in the third week of December 2025, a few people claiming to be officials of defendant No. 3 came near the plaint schedule properties and



began counting the plans without prior notice or knowledge of the plaintiff. On inquiry, it was revealed that defendant Nos. 3 and 4, being the company, are interested in the work of drawing a 400 kV Quad D/c transmission line from Udupi to Kasargodu, and that the same passes over the plaint schedule property. But the plaintiff objected and stated that, as per the plan and notification, it is not revealed that the transmission line is drawn through the plaint schedule property, nor has any compensation been paid. Later, they verified their own documents and confirmed that, even in their notification, the plaint schedule properties are not included. The defendants are a Deputy Commissioner and an Assistant Commissioner, who were made parties to the suit, clearly shows that the project is an infrastructure project. In respect of the very same corridor, the Division Bench and Single Judge of this Court have held that the parties are entitled only to compensation and the Indian Telegraph Act applies if the transmission line is drawn by a private individual, it cannot be said that the Indian Telegraph Act will apply and the compensation will be paid as per the same. The Co-ordinate Bench and the Division Bench of this Court also held that the project is a infrastructure project and



the Indian Telegraph Act will apply. It is also brought to the notice of the Court that the learned counsel for the respondent had appeared in those matters.

20. The trial Court having perused the plaint and its averments ought to have considered the maintainability of the suit. When an injunction is already granted, when the defendants have filed their written statement and have brought to the notice of the Court about this, the Court ought to have considered it, treating it as most urgent. But unfortunately, the Court has failed to consider either of them.

21. In the light of these facts, this Court has already passed an order that there shall be a stay of further proceedings. Later, the extension of the injunction order that is granted by the Court is suspended by this Court. Hence, balancing the interest of the parties, this Court is passing the following:

ORDER

- i. With regard to the question of jurisdiction, if the petitioners/defendants file an appropriate application, the Trial Court shall consider the



same within 15 days from the date of filing of the application and pass appropriate orders in accordance with law.

- ii. Accordingly, the writ petition is ***disposed of.***
- iii. Pending IAs, if any, shall stand closed.

Sd/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 1