



CNR: KAHC010402572020

NC: 2026:KHC:36645
WP No. 569 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO.569 OF 2021 (GM-POLICE)

BETWEEN:

1. SRI. ERAPPA
S/O LATE PAPAIAH
SINCE DEAD BY LR'S
- 1(A). SMT. NANJAMMA
W/O LATE ERAPPA
AGED ABOUT 67 YEARS
- 1(B). SMT. MANULA N.E
D/O LATE P. ERAPPA
AGED ABOUT 47 YEARS
- 1(C). N.E. RAJESHWARI
D/O LATE P. ERAPPA
AGED ABOUT 45 YEARS
ALL REP. BY THEIR GPA HOLDER
NARAYANA REDDY
S/O NARAYANA REDDY
AGED ABOUT 47 YEARS
R/AT NAGONDAHALLI VILLAGE
K.R. PURAM HOBLI, BENGALURU EAST TALUK
BENGALURU - 560 066.

...PETITIONERS

(BY SRI. GOWTHAMDEV C. ULLAL, ADVOCATE A/W
SMT. N. CHETHANA KUMARI, ADVOCATE)



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AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HOME
VIDHANA SOUDHA
BANGALORE - 01.
BY ITS SECRETARY.
2. THE COMMISSIONER OF POLICE
OFFICE OF THE POLICE COMMISSIONER
NO.1, INFANTRY ROAD
BANGALORE - 560 001.
3. ASSISTANT COMMISSIONER OF POLICE
MAHADEVPUR DIVISION
NO.3, CHINMAYA MISSION HOSPITAL ROAD,
HOYSALA NAGAR, INDIRANAGAR
BENGALURU - 38.
4. THE POLICE INSPECTOR
WHITE FIELD POLICE STATION
WHITE FIELD,
BANGALORE - 560 066.
5. SMT. K. POORNIMA SRINIVAS
W/O D.T. SRINIVAS
AGED ABOUT 45 YEARS
11, KSHEMYADHATRI NILAYA
THIPPAIAH LAYOUT, DEVASANDRA
K.R. PURAM, BANGALORE - 560 036.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R1 TO R4;
SRI. P.N. MANMOHAN, ADVOCATE FOR R5)



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THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 TO 4 TO PROVIDE POLICE PROTECTION TO THE PETITIONER IN RESPECT OF THE SCHEDULE PROPERTY BY CONSIDERING THE ANNEX-A, B AND C AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Present petition is filed by the original petitioner seeking following reliefs:

" a) Issue writ of mandamus direct the respondent No.1 to 4 to provide police protection to the petitioner in respect of the schedule property by considering the Annexure A, B and C

b) Pass such further or order orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. Perusal of Annexure-A indicate that the original petitioner claiming to be the owner and possession of land in Sy.No.42 (Old Sy.No.10) of Pattandur Agrahara Village, K.R.Puram, Hobli, Bangalore East Taluk, measuring 3 acres, having purchased the same in terms of deed of sale dated 03.12.1951, had filed a suit in O.S.No.1381/2005 against respondent No.5 Smt. K.



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Poornima Srinivas. That the said suit was decreed granting permanent injunction in favour of the original petitioner against said respondent No.5 and that the same has attained finality.

3. It is further contented that said respondent No.5 claiming her right, title, interest over the property through certain Smt. Jayalakshamma. That the said Smt. Jayalakshamma, in turn had filed a suit in O.S.No.558/1998 against the original petitioner in respect of an extent of 2 acres 20 guntas of land in the very same survey number which was dismissed.
4. It is also contented that the petitioner had also filed another suit in O.S.No.24/2000 against the Secretary, Government of Karnataka and others and had obtained a decree against which the respondent-State had filed Regular Appeal in R.A.No.83/2001 which was also dismissed against which a Regular Second Appeal was filed which was also dismissed.
5. Thus, it is contented that the petitioner has been in possession and enjoyment of the aforesaid land. However



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respondent No.5, has been illegally interfering with the peaceful possession of the property of petitioner and is trying to forcibly cut the trees. Hence, this writ petition seeking direction to the respondent - police authorities.

6. *Per contra*, learned counsel appearing for the respondent No.5 files a memo along with certified copies of certain documents, including a copy of Judgment and Decree in O.S.No.558/1988 and certain revenue records.
7. Learned counsel for the respondent No.5 submit that, the said suit in O.S.No.558/1998 was filed by the vendor of respondent No.5 in respect of two items on the properties, one in Sy.No.156 measuring 4 acres, another in Sy.No.42 measuring 2 acres 20 guntas. That relief of injunction in respect of A schedule property has been granted, while suit in respect of B schedule has been dismissed.
8. He further submits that respondent No.5 herein has preferred a Regular Appeal in R.A.No.122/2022 against the Judgment and Decree dated 23.06.2016 passed in OS



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No.1381/2005 filed by the original petitioner, the same is still pending consideration.

9. He further submits that the petitioner essentially seeking enforcement of decree in his favour in respect of which writ is not maintainable, more particularly when there is a dispute with regard to the identity of the property.
10. Learned AGA, on the other hand submits that since effective remedy by way of filing execution proceedings is provided, the petitioner be relegated to avail such remedy. He further submits direction as sought for cannot be granted as the police cannot venture into identifying the property when the matters are stated to be pending consideration.
11. Heard and perused the records.
12. Facts narrated above and the reliefs sought indicate that the original petitioner now represented by the legal representatives is essentially seeking enforcement/ execution of decree dated 23.06.2016 passed in O.S.No.1381/2005.



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13. Learned counsel for the petitioner submits that such a relief is based on an order passed by the Co-ordinate Bench of this Court, which has opined that a decree can be enforced through the Police Officers. Even if such an order is passed by the Co-ordinate Bench of this Court, which is not brought to the notice of this Court, the facts and circumstances would differ from case to case.
14. In the instant case, though the relief is in the nature of direction to the police to consider the representation, even if such representation is directed to be considered, the police may not be in a position to execute the decree which otherwise is required to be executed through a Court of competent jurisdiction under Order XXI Rule 32 of CPC, providing for execution of injunction decree.
15. Further, the relief sought for cannot be granted for the reasons that there is a dispute raised by respondent No.5 with regard to very identity of the property, who has filed an appeal in R.A.No.122/2022, disputing the title and possession of petitioner.



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16. The petitioner has not made out a case for issuing a direction as sought for. Accordingly the following:

ORDER

- (i) The writ petition is ***dismissed***.
- (ii) Petitioner is at liberty to approach the competent Court seeking enforcement of the decree, as provided under, if so advised.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

SPV
List No.: 1 Sl No.: 6