

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CIVIL CONTEMPT PETITION NO.969 OF 2022

BETWEEN:

M/S. BENGAL LAMPS LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1913
HAVING REGISTERED OFFICE AT
137 PRINCE GULAM HUSSIAN SHAH ROAD
KOLKATA - 700 032
ALSO HAVING ITS FACTORY AT:
20 KM OLD MADRAS ROAD
BENGALURU - 560049
REP. BY ITS DIRECTOR
MS. RAMONA ADHIKARI
AGED ABOUT 64 YEARS

...COMPLAINANT

(BY SRI. SRIRANGA S., SENIOR COUNSEL FOR
SRI. SUMANA NAGANAND, ADV.)

AND:

1. STATE OF KARNATAKA
VIDHANA SOUDHA, BENGALURU - 560001
REPRESENTED BY CHIEF SECRETARY
...PROFORMA RESPONDENT
2. MR. SHIVAPRASAD P. R.
MANAGING DIRECTOR

Digitally
signed by
PAVITHRAN
Location:
High Court
of Karnataka

KARNATAKA ROAD DEVELOPMENT CORPORATION
LTD., HAVING ITS INCORPORATED OFFICE AT:
"SAMPARKA SOUDHA", SURVEY NO.8
B.E.P PREMISES (OPP. ORION MALL)
DR. RAJKUMAR ROAD
RAJAJINAGAR, 1ST BLOCK
BANGALORE - 560010.

3. MS. SUMA
SPECIAL LAND ACQUISITION OFFICER
SPECIAL LAND ACQUISITION DEPARTMENT
KARNATAKA ROAD DEVELOPMENT CORPORATION
"SAMPARKA SOUDHA", 3RD FLOOR
DR. RAJKUMAR ROAD
RAJAJINAGAR, 1ST BLOCK
BENGALURU - 560010
4. MR. SURENDRA BABU AMILINENI
DIRECTOR
SRC INFRA DEVELOPERS PRIVATE LIMITED
NO.7-272 KAKATEEYA
RESIDENCY COURT ROAD
ANANTHAPURA
ANDHRA PRADESH - 515 001

...ACCUSED

(BY SRI. RAHUL CARIYAPPA K.S., AGA FOR PROFORMA R1;
SRI. MANU K., ADV. FOR A2 & A3)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF THE
CONTEMPT OF COURTS ACT, 1971 R/W ARTICLE 215 OF THE
CONSTITUTION OF INDIA, PRAYING TO INITIATE CONTEMPT
PROCEEDINGS AGAINST THE ACCUSED HEREIN FOR WILLFUL
AND DELIBERATE DISOBEDIENCE OF THE ORDERS DATED
27.10.2021 AND 24.11.2021 (ANNEXURE-A) PASSED BY THIS
COURT IN WP NO.19254/2021 (LA-RES) AND PUNISH THE
ACCUSED IN ACCORDANCE WITH LAW.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 06.08.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Contempt of Court case is filed alleging wilful disobedience of the orders dated 27.10.2021 and 24.11.2021 passed by the learned Single Judge in Writ Petition No.19254/2021.

2. We have heard Shri. Sriranga S, learned senior counsel as instructed by Smt. Sumana Naganand, learned counsel appearing for the complainant, Shri. Rahul Cariyappa K.S, learned Additional Government Advocate appearing for proforma respondent No.1 and Shri. Manu. K, learned counsel appearing for accused No.2 and 3.

3. The complainant is the owner of lands bearing Survey No.3 and 4 of Konadasapura Village, Bidarahalli Hobli, Bengaluru East Taluk. A Preliminary Notification dated

09.04.2019 and a Final Notification dated 16.05.2019 were issued for acquisition of a portion of the said lands for widening the road connection of NH-4 with Kempegowda International Airport via Budigere Road. The complainant challenged the acquisition proceedings in Writ Petition No.19254/2021.

4. By the interim order dated 27.10.2021, the learned Single Judge, noticing the discrepancy between the extent of land specified in the Preliminary and Final Notifications and that reflected in the award, directed the parties to maintain status quo regarding the property in question, as existing on that date, until the next date of hearing. The said interim direction was extended by the order dated 24.11.2021.

5. The learned senior counsel appearing for the complainant contends that, despite the subsisting interim orders, the accused entered the schedule property on 19.09.2022 with earthmoving machinery, removed the fencing and shrubs and cleared and levelled the land on both sides of Budigere Road. It is contended that these acts

altered the nature of the property in deliberate violation of the direction to maintain status quo. Though the accused had knowledge of the interim orders and were served with a legal notice dated 22.09.2022, they neither responded nor discontinued the works.

6. It is further contended that accused No.2 and 3 have admitted undertaking civil works but sought to justify them on the grounds of traffic management and public safety. Their assertion that the works were subsequently removed is disputed. Accused No.2 and 3, through accused No.4 – contractor, continued to lay and cover drains, level and tar portions of the property and facilitate their use as a road, footpath, autorickshaw stand and bus stand. It is also contended that drains were laid by encroaching upon seven guntas of the complainant's land. Reliance is placed on the photographs, a video recording and the joint survey sketch identifying the affected portions as 'Area-1' and 'Area-3'. The compound wall erected by the subsequent purchaser is stated to have been solely to prevent further encroachment. It is therefore contended that the continued alteration and

use of the property, despite knowledge of the interim orders, constitute deliberate and wilful disobedience warranting action for contempt.

7. The learned counsel appearing for accused No.2 and 3 submits that the officer named in the contempt petition was not serving as the Special Land Acquisition Officer of KRDCL during the relevant period and that the present incumbent assumed charge only on 09.02.2024. It is submitted that limited jungle clearance, drainage and levelling works were undertaken owing to heavy traffic congestion and concerns regarding the safety of road users, without any intention to violate the interim orders. It is further submitted that the drainage constructed after the passing of the interim orders has since been removed, that the complainant or its transferee has constructed a compound wall and that the property has been restored. It is further submitted that no further works shall be carried out on the disputed property.

8. Having considered the contentions advanced, we are of the opinion that a Contempt of Court Case is

maintainable only in case of a clear contempt being committed by the accused persons with the knowledge of the interim orders and the intention to violate them. contumacious conduct is therefore an essential element for a person to be held guilty of contempt. In the instant case, the interim order sought was to stay all further proceedings pursuant to the Preliminary Notification dated 09.04.2019 and to permit the writ petitioner to restore or reconstruct the boundary fence in its original position. The parties were directed to maintain *status quo* in regard to the property in question. The order was dated 27.10.2021.

9. The contention raised in the Contempt of Court case is that the interim order has been violated and the fence and shrubs were removed and the road was levelled for construction of road. In the objections filed by the Special Land Acquisition Officer submits that the land was situated in the intersection of the Airport, Budigere Cross and National Highway-48 and all that was done was to carry out minor general clearance in the interest of safety of road

users and leveling of the embankment to ensure free flow of traffic.

10. It is submitted that the construction of the drainage was immediately stopped on being made aware of the interim order and the drainage constructed after passing the interim order was removed. It is further stated that the writ petitioner has alienated the property and the alienee has put up a compound wall around the property and the complainant has no subsisting rights in the property to urge these contentions.

11. Having considered the contentions advanced and in the light of the averments made in the objections filed on behalf of the accused, we are of the opinion that this is not a fit case for continuing with contempt proceedings against the accused. The present Special Land Acquisition Officer has categorically stated that there was no Special Land Acquisition Officer by name Smt. Suma. It is further stated that there was no deliberate attempt to violate the orders of the Court and that the drainage which was put up has been removed by the accused. Further, it is specifically contended

that the complainant has no subsisting right in the property and that the Contempt of Court case filed by someone who has already sold the property and is no longer in possession, is not maintainable.

12. In the said peculiar facts of this instant case, we are of the opinion that there is no justification in the further conduct of the Contempt of Court proceedings. The Contempt of Court proceedings are accordingly ***closed*** with liberty to the parties to raise their contentions in the pending writ petition.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*