



CNR: KAHC010537642022

NC: 2026:KHC:42857
W.P. No.23368/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 12TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.23368/2022 (GM-CPC)

BETWEEN:

1. HINDU RUDRA BHOOMI
ABHIVRIDHI SAMITHI
REP. BY ITS VICE PRESIDENT
MR. MAXIM JEROLD PINTO
AGED ABOUT 51 YEARS
R/A BALIGA HOUSE, MUTTUR VILLAGE
KOLAVOOR POST, MANGALORE TQ-574144.
2. MR. NAGESH SHETTY
S/O LATE LOKU SHETTY
AGED ABOUT 52 YEARS
R/A GARODI MANE
MUTTUR VILLAGE
KOLAVOOR POST
MANGALORE TQ
(A MEMBER OF HINDU RUDRA
BHOOMI ABHIVRUDHI SAMITHI)

...PETITIONERS

(BY SRI. RANJAN KUMAR K, ADV.,)

AND:

1. V. BASHEER
S/O HASANABBA
AGED ABOUT 55 YEARS.
2. SMT. SHAHIDA BASHEER
W/O V. BASHEER
AGED ABOUT 49 YEARS.
BOTH ARE R/AT.

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010537642022

NC: 2026:KHC:42857
W.P. No.23368/2022

MARGADANGADI HOUSE
MUTTUR VILLAGE
KALAVOOR POST
MANGALURU TQ-574144.

3. THE PANCHAYATH DEVELOPMENT OFFICER (PWD)
MUTTUR VILLAGE
KOLAVAOOR POST
MANGALORE TQ-574144.
4. MR. SHAYIKH SHAHIKA BASHEER
S/O V. BASHEER @ BASHEER HASAN
AGED ABOUT 25 YEARS
R/AT. MARGADANGADI HOUSE
DOOR NO.5-103, MATHURA BLOCK NO.5
MUTTUR VILLAGE, KOLAVOOR POST
MANGALORE TQ & DIST – 574144.
5. INDIAN OIL CORPORATION LTD
MARKETING DIVISION INDIAN OIL BHAVAN
ABBAKKA NAGARM, KOTTARA
MANGALURU-575006.
6. INDIAN OIL CORPORATION LTD
(MARKEING DIVISION)
G-09, ALI YAVAR JUNG MARG
BANDRA EAST, MUMBAI-400051.

...RESPONDENTS

(BY SRI. UDAYA PRAKASH M, ADV., FOR R6
SRI. VASANTH KUMAR BARDILA, ADV., FOR R1, R2 & R4
R3 SERVED
R5 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE
RECORDS FROM THE FILE OF THE PRL. CIVIL JUDGE AND
JMFC, MANGALORE, D.K. IN O.S. NO. 417/2021. SET ASIDE
THE ORDER OF DISMISSAL DATED 07.07.2022 PASSED BY THE
COURT OF THE I ADDL. CIVIL JUDGE AND JMFC, MANGALORE,



NC: 2026:KHC:42857
W.P. No.23368/2022

CNR: KAHC010537642022

D.K. ON IA NO 6 IN OS NO 417/2021 (ANNEXURE- A) AND ALLOW IA NO 6 & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 07.07.2022 passed in O.S.No.417/2021 by the I Additional Civil Judge and JMFC, Mangaluru (for short, '***the trial Court***').

2. Heard Sri.Ranjan Kumar K., learned counsel appearing for the petitioners and Sri.Uday Prakash M., learned counsel for the respondent No.6, Sri.Vasanth Kumar Bardila, learned counsel for the respondent Nos.1, 2 and 4 and perused the material available on record.

3. Petitioners had filed a suit in O.S.No.417/2021, against V.Basheer, Smt.Shahida Basheer and the Panchayat Development Officer (PDO), Muthur Grama Panchayat, seeking following reliefs:



CNR: KAHC010537642022

NC: 2026:KHC:42857
W.P. No.23368/2022

- "(i) For a Permanent Prohibitory injunction restraining the Defendant No.1 and 2, their men, servants, agents, person or persons claiming from and under them from running retail sale of petrol and diesel outlet (Petrol Pump) in the 'B' Schedule property belonging to 2nd defendant by obtaining or not obtaining permission from defendant 3, the local Panchayath thereby infringing the rights of the plaintiff in plaint 'A' schedule property.*
- (ii) Granting such other and further reliefs as this Court may deem fit to grant under the circumstances of the case.*
- (iii) Grant cost of the suit."*

4. In the said suit, the defendant Nos.1 and 2 have filed written statement contending that suit is not maintainable as the defendants have commenced the business of petrol pump in their own property and also stated that the defendant No.2 has executed the lease of 25 cents in favour of Shayikh Shahikh Basheer, who got the dealership outlet from M/s.Indian Oil Corporation Ltd., and after obtaining the NOC from Mangaluru Police



NC: 2026:KHC:42857
W.P. No.23368/2022

CNR: KAHC010537642022

Commissioner and other departments, the outlet has started and M/s.Indian Oil Corporation Ltd., is not arrayed as party, hence, the suit is liable to be rejected. The plaintiff filed an application under Order I Rule 10(1) and (2) of the Code of Civil Procedure, 1908, (for short, '**the CPC**') seeking to implead Mr.Shayikh Shahikh Basheer and Indian Oil Corporation Ltd. as defendants. The said application was opposed by the proposed defendants. The trial Court under the impugned order rejected the said application.

5. It is to be noticed that the relief sought in the plaint is to issue permanent prohibitory injunction restraining defendant Nos.1 and 2 from running the retail sale of petrol and diesel outlet in Schedule 'B' property. And during the pendency of said proceedings, the portion of the property was leased in favour of the son of the defendant Nos.1 and 2 and he commenced the business after obtaining the permission from the M/s.Indian Oil



NC: 2026:KHC:42857
W.P. No.23368/2022

CNR: KAHC010537642022

Corporation Ltd. vide letter dated 29.01.2021. The trial Court considering the rival submissions and taking note of the fact that the entire suit of the plaintiffs is based on a particular cause of action and a specific relief is sought against the defendants in the suit and that the application seeking impleadment is impermissible and rejected the said application. I do not find any good grounds to interfere with the impugned order of the trial Court in the present petition. The petition is devoid of merits and the same is accordingly ***rejected***.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 32