

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9th DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

CIVIL CONTEMPT PETITION NO.1592 OF 2025

BETWEEN:

SRI D. VISHAL BALIGA
S/O DINESH BALIGA
AGED ABOUT 34 YEARS,
RESIDING AT NO.56/3,
MADHURI, BOREWELL ROAD
NALLURAHALLI, BENGALURU EAST,
WHITEFIELD, BENGALURU-560066

...COMPLAINANT

(BY SMT. SWAMINI GANESH MOHANAMBAL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS
VIDHANA SOUDHA
BENGALURU-560001
2. SRI. GURURASAD
S/O ANNAJI
AGED 48 YEARS
THE POLICE INSPECTOR /
STATION HOUSE OFFICER
WHITEFIELD POLICE STATION
BENGALURU-560066

...ACCUSED

(BY SMT.PRATHIMA HONNAPUR,AAG A/W;
SMT.NAMITHA MAHESH B.G,AGA FOR PROFORMA R1 & A2)

Digitally
signed by
PAVITHRA B
Location:
HIGH
COURT OF
KARNATAKA

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT, 1971, R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, BY THE COMPLAINANT, WHEREIN PRAYS TO DECLARE THE POLICE INSPECTOR OF WHITEFIELD POLICE STATION GUILTY OF CIVIL CONTEMPT OF COURT FOR WILLFULLY AND DELIBERATELY DISOBEYING THE ORDERS 25.09.2025 OF THIS HON'BLE HIGH COURT IN W.P.NO.33134/2024 C/W W.P.NO.10462/2025 BY ALLOWING THE TRESPASSERS TO CONTINUOUSLY INTERFERE WITH THE PETITIONERS POSSESSION OF THE PROPERTY.

THIS CONTEMPT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, **N.V.BHAVANI** J., MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MRS. JUSTICE N.V.BHAVANI

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE N.V.BHAVANI)

The present contempt petition is filed against the order dated 25.09.2025 passed in W.P.No.10462/2025 c/w W.P.No.33134/2024 seeking for following reliefs:

- a) Declare the Police Inspector of Whitefield Police Station guilty of Civil Contempt of Court for willfully and deliberately disobeying the orders 25/09/2025 of this Honourable High Court in W.P.No.33134/2024 c/w W.P.No.10462/2025, by allowing the trespassers to continuously interfere with the Complainant's possession of the property.

- b) Direct the Police Inspector to immediately cease and desist from all obstruction and to strictly comply with the court orders by: Providing adequate and effective police protection to the Complainant and his family Vacating all henchmen and goon elements of the Accused's from the property premises, taking appropriate action under law against the Accused's and goons for illegal trespass, violence, and related offenses.
- c) Grant further and other relief as this Hon'ble Court may deem fit and proper in the interest of justice and protection of the rule of law.

2. We have heard Smt.Swamini Ganesh Mohanbal, learned counsel appearing for the complainant and Smt.Prathima Honnapur, learned Additional Advocate General appearing along with Ms.Namitha Mahesh B.G., learned AGA for accused Nos.1 and 2.

3. It is borne out from the order of the writ court that there exist a land dispute between the complainant and his family members with one Sri.Jawahar Gopal and Smt.Sheela Gopal leading to institution of the suit in O.S.No.1708/2024 and granting of temporary injunction with direction to the police to implement the order. Later,

the order of trial court was confirmed by the Coordinate Bench of this Court in MFA No.3947/2025, which gave raise to the crucial issue of possession and the court intervention because of the alleged excesses by the police on 05.12.2014 and with police calling upon the complainant to execute a Bond. On that basis, the learned Single Judge observed that the police must ensure that there is due obedience of trial court's order and if there is any difficulty faced by police in enforcing such obedience, they are required to follow the procedure as contemplated under the Circular dated 14.11.2018. The observation of the writ court made at paragraph No.8 reads as under:

"8. It is trite but relevant to observe that the Police must ensure that there is due obedience with the civil Court's order, and if there is any difficulty in enforcing such obedience, they must follow the procedure that is contemplated under the Circular No.CRM-3/105/2018 dated 14.11.2018 issued by the Director General and Inspector General of Police, State of Karnataka, Bengaluru, which stipulates that if there is any difficulty in implementing the Court's orders they must seek the opinion of the Director of Prosecution and place it before the civil Court. As such, the petitions and the application for impleadment stand disposed of with observation as aforesaid."

4. In this context, let us examine as to whether the accused Sri.Guruprasad had willfully disobeyed the

order of writ court to attract Section 2(b) of the Contempt of courts Act, 1971. Section 2(b) of the said Act, reads as under:

"(b) 'civil contempt' means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court.

5. In this context, let us refer to the Affidavit along with enclosures at Annexures - R1 to R6 filed by the accused wherein he had stated that pursuant to court order dated 15.01.2025 he had visited the subject matter of property on 01.02.2025 and conducted inspection and found the existence of residential house measuring to an extent of 48 X 75 feet belonging to the complainant along with two large sized trees and other plants and remaining portion of the property was found to be in the possession of the respondents i.e., Sri.Jawahar Gopal and Smt.Sheela Gopal. Thereafter, he served the copy of order to Security Supervisor, who was present on behalf of the respondents and instructed to comply with the order to ensure compliance and submitted the report to the Court as per Annexure - R2, which is reflected in the order sheet in

O.S.No.1708/2025 at Annexure-R1. Subsequently, in compliance with the direction of the writ court he had sought for opinion from the Office of the Legal Advisor, Commissioner of Police and on 02.08.2025, the Legal Advisor had opined that there is already compliance of the direction dated 15.01.2025 and produced the opinion at Annexure - R3. Thereafter, he has addressed the letter dated 04.12.2025 to the Commissioner of Police, Bengaluru City for forwarding his requisition through proper channel for obtaining legal opinion from the Director of Prosecution for providing police protection in respect of subject matter of the property along with details and references as per Annexure - R4. Pursuant to said letter, the Additional Chief Secretary to the Government, Home Department had addressed the letter dated 02.06.2026 to Director of Prosecution, Department of Prosecution and Government Litigation, Kaveri Bhavan, Bangalore with subject reference of furnishing legal opinion in respect of the subject matter at Annexure - R5.

6. The above Affidavit clearly reveals that the accused has exercised his due diligence to implement the order of writ court.

7. In fact, the learned counsel for the complainant does not dispute the content of Affidavit and annexures attached thereto, except contending that the report is submitted to offer pretence of compliance and relied upon the observation of the trial court.

8. It is noted that the Prayer No.2 is vague. As far as Prayer No.1 is concerned, the compliance is evinced from the affidavit filed by the accused. The procedure prescribed by the Circular dated 14.11.2018, which is referred to in Paragraph No.8 of the order of the writ court has been complied with, after it was found that there was difficulty in enforcing obedience with the order of the Civil Court.

9. This Court would examine whether there is willful disobedience of the order of the writ court and with contumacious conduct of the alleged contemnor, if any, in

failing to comply with that order. Therefore, the contention of the learned counsel for the complainant in referring to observation of trial court to treat the accused as having willfully disobeyed the order of the writ court, is without merit.

10. Thus, considering the entire circumstances of the case and the order of the writ petition, this Court is of the opinion that the complainant has failed to make out the case that the accused No.2 has willfully disobeyed the order in the writ petition. Accordingly, the contempt petition is ***consigned***.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(N.V.BHAVANI)
JUDGE**

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