HC-KAR

NC: 2026:KHC:62242
WP No. 14148 of 2026

CNR: KAHC010315322026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 14148 OF 2026 (GM-CPC)

BETWEEN:

1. BIRLA ESTATES PRIVATE LIMITED
HAVING REGIONAL OFFICE AT 1/5,
PALACE ROAD, SAMPANGI RAMNAGAR
BENGALURU 560 001,
REPRESENTED BY ITS AUTHORISED SIGNATORY
MR. MUNISH DAYAL
UNDER COMPANIES ACT, 2013.

...PETITIONER

(BY SRI. R.V.S. NAIK, SENIOR COUNSEL FOR
SRI NITIN PRASAD, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SANTOSH S.N.,
AGED ABOUT 44 YEARS,
SON OF NANJAPPA S.B.,
RESIDING AT SAMETHANAHALLI VILLAGE
AND POST, KADUGODI VIA,
ANUGONDANAHALLI HOBLI,
PHOSAKOTE TALUK,
BANGALORE RURAL DISTRICT,
BENGALURU 560 067.

2. GANGAMMA
AGED ABOUT 71 YEARS
WIFE OF LATE GOVINDAPPA,

3. SHANKARMURTHY
AGED ABOUT 51 YEARS
SON OF LATE GOVINDAPPA,

4. KUMRI SHRUSTI S.,
AGED ABOUT 25 YEARS
DAUGHTER OF SHANKARMURTHY,

5. MASTER JEEVAN S.,
AGED ABOUT 23 YEARS
SON OF SHANKARMURTHY,

6. MANJUNATH
AGED ABOUT 50 YEARS
SON OF LATE GOVINDAPPA,

7. MASTER SAGAR
AGED ABOUT 24 YEARS
SON OF MANJUNATH,

8. MASTER NOOTHAN
SON OF MANJUNATH,
AGED ABOUT 13 YEARS
SINCE MINOR REPRESENTED BY
HIS NATURAL GUARDIAN AND HIS FATHER
MANJUNATH,

9. RAVI KUMAR
AGED ABOUT 40 YEARS
SON OF LATE GOVINDAPPA,

10. KUMARI VISMAYA
DAUGHTER OF RAVI KUMAR
AGED ABOUT 9 YEARS
SINCE MINOR REPRESENTED
BY HER NATURAL GUARDIAN AND
HER FATHER, RAVI KUMAR,

11. ASHA
AGED ABOUT 37 YEARS,
DAUGHTER OF LATE GOVINDAPPA

ALL ARE RESIDING AT GANDHIPURA,
5TH MAIN,
WHITEFIELD BENGALURU - 560 066.

…RESPONDENTS

(BY SRI. KESHAVA BHAT A., ADVOCATE FOR R1;
SRI DEVANANDA M.J., ADVOCATE FOR R2 TO R11)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. SET ASIDE THE ORDER DATED 27.04.2026 PASSED BY THE SENIOR CIVIL JUDGE, HOSAKOTE ON I.A. NO.6 O.S NO. 698/23 (ANNEXURE A) AND CONSEQUENTLY DISMISS I.A. NO. 6 (ANNX-H) AND ETC,.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition is filed challenging the order dated 27.04.2026 passed on I.A. No.6, whereby the plaintiff has been permitted to erect a signboard in the 'B' Schedule property.

2. Learned Senior Counsel appearing for the petitioner submits that the plaintiff claims right, title and interest over the 'B' Schedule property, which is alleged to have been encroached upon as part of the development project undertaken by the petitioner, covering an extent of approximately 8½ acres.

2.1 It is submitted that the project commenced in the year 2018 and that a partial occupancy certificate came to be issued on 12.06.2023. The petitioner has constructed residential apartments over the larger extent of 8½ acres, a portion of which is claimed by the plaintiff as the 'B' Schedule property.

2.2 It is further submitted that orders of injunction restraining interference, alienation and putting up of any construction are operating against the parties and that no attempt has been made to violate the same.

2.3 It is contended that permitting the plaintiff to display a signboard, as directed under the impugned order, would adversely affect the petitioner's interests and prejudice the reasonable consideration that the petitioner may expect while selling the constructed apartments. It is also submitted that no proceedings have been initiated alleging violation or disobedience of the subsisting orders of injunction. It is submitted that most of the apartments are already sold.

3. *Per contra*, learned counsel appearing for respondent No.1 submits that, in view of the continuous violation of the interim orders, an application was filed seeking permission to install a signboard notifying the pendency of litigation concerning the 'B' Schedule property, with a view to preventing the creation of third-party interests and avoiding multiplicity of proceedings. It is further submitted that mere installation of a signboard would not prejudice or affect any rights of the petitioner.

4. Considered the submissions made by learned Senior Counsel and learned counsel for the parties and perused the material on record.

5. The suit is instituted seeking a declaration that the plaintiff is the absolute owner of the 'B' Schedule property, along with consequential reliefs of injunction. The petitioner has filed its written statement denying the alleged encroachment and contending that the development project commenced as far back as the year 2018 and that a partial occupancy certificate was issued on 12.06.2023.

6. The application, which has culminated in the impugned order, came to be filed on the foundational premise that the interim orders of injunction are being violated. In the event of violation of an order of injunction, the CPC provides a specific remedy enabling the Court to examine the alleged violation and record its findings. Admittedly, no such proceedings have been instituted in the present case.

7. Moreover, when the very allegation of encroachment is in dispute, the impugned order permitting the display of a signboard notifying the pendency of litigation concerning the suit schedule property cannot be sustained. The 'B' Schedule property is yet to be identified. In such circumstances, permission to install a signboard in respect of the 'B' Schedule

property has been granted without proper application of mind. As submitted, the 'B' Schedule property comprises land measuring 9 guntas, whereas the extent of the development project is more than 8 acres and 20 guntas.

8. It is evident from the record that residential apartments have been constructed and occupancy certificates have been issued. In the event of violation of the subsisting orders of injunction, an appropriate remedy is available to the aggrieved party, and such grievance can be adjudicated by the Trial Court in the pending suit. However, any loss or prejudice that may be occasioned to the petitioner on account of the installation of the signboard would be incapable of adequate compensation and would result in irreparable injury. When other efficacious remedies are available and the Court is also empowered to grant appropriate equitable reliefs, permitting the installation of a signboard in the facts and circumstances of the present case would be impermissible.

9. The impugned order has been passed without due consideration of the factual aspects and the rival contentions

urged by the parties. In that view of the matter, this Court is inclined to entertain the petition.

10. Accordingly, the following:

ORDER

I. The writ petition is ***allowed***.

II. The impugned order dated 27.04.2026 passed on I.A. No.6 is hereby ***set aside***.

III. I.A. No.6 filed under Section 151 of the CPC is hereby ***rejected***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 3