HC-KAR
CNR: KAHC010713262026

NC: 2026:KHC:61263
WP No. 32648 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 32648 OF 2026 (GM-PP)

BETWEEN:

1. L M PRABHA
   DAUGHTER OF LATE SRI. MUNIKAMAIAH,
   AGED ABOUT 53 YEARS,
   RESIDING AT NO. 19,
   TEJAS NILAYA, RMV 2ND STAGE,
   BENGALURU 560 054.

2. DR. RANGANATH L.M,
   SON OF LATE SRI. MUNIKAMAIAH,
   AGED ABOUT 51 YEARS,
   RESIDING AT NO. 29, 1ST CROSS,
   KGE LAYOUT, RMV 2ND STAGE,
   BENGALURU 560 094.

3. L.M VISHWANATH,
   SON OF LATE SRI. MUNIKAMAIAH,
   AGED ABOUT 51 YEARS,
   RESIDING AT FLAT NO. 2T-2,
   SITE NO.17/B, 1ST CROSS,
   4TH CROSS, BHOOPASANDRA
   NEW LAYOUT, IDEAL NEST,
   RMV 2ND STAGE, BENGALURU 560 094.

4. DEVAMMA,
   WIFE OF LATE SRI. MUNIKAMAIAH,
   AGED ABOUT 75 YEARS,
   RESIDING AT NO. DOOR NO.1/1,
   OPP. PUSHPANJALI THEATRE,

DINNUR MAIN ROAD,
R.T NAGAR POST,
BENGALURU - 560 032.

...PETITIONERS

(BY SRI. RAJESH D M.,ADVOCATE)

AND:

1. THE UNION OF INDIA
THROUGH THE SECRETARY,
DHQ PO, NEW DELHI - 110 001.

2. PARACHUTE REGIMENT TRAINING CENTRE,
(INDIAN ARMY, MINISTRY OF DEFENCE,
UNION OF INDIA) J.C NAGARA,
BENGALURU - 560 006.
REPRESENTED BY THE COMMANDANT

3. DEFENCE ESTATE OFFICER,
KARNATAKA CIRCLE, KAMARAJ ROAD,
BENGALURU - 560 042.

4. THE ESTATE OFFICER,
STATION CELL, HEADQUARTERS
KARNATAKA AND KERALA SUB AREA,
CUBBON ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. CHANDAN SANJAY BHAT, ASG FOR R1 TO R4)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 09.09.2026 (ANNX-A) PASSED BY THE ESTATE OFFICER STATION CELL HEADQYARTERS KARNTAKA AND KERALA SUB AREA (R4) IN CASE NO. 7224/PPE/PRTC/SY. NO. 1 MH/(06/2017).

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"a) Issue a writ of certiorari quashing the impugned order dated 09-09-2026 (ANNEXURE-A) passed by the Estate Officer, Station Cell, Headquarters Karnataka and Kerala Sub Area (4th respondent) in Case No.7224/PPE/PRTC/Sy.No.1 MH/(06/2017).*
>
> *b) Allow the application filed by the petitioners under Order XVIII Rule 17 read with Section 151 CPC (ANNEXURE-F) by recalling the order dated 16-04-2019 discharging PW-1;*
>
> *c) Allow the I.A. filed under Order XVIII Rule 17 read with Section 151 of CPC (ANNEXURE-G) and permit the petitioners to cross-examine PW-1.*
>
> *d) Pass such orders/directions as or just that this Hon'ble Court may deem fit in the interest of Justice and Equity."*

2. The petitioners have filed the present petition assailing the order dated 09.09.2026 passed in case

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No.7224/PPE/PRTC/Sy.No.1 MH (06/2017)[1] (Annexure-A to the writ petition) pending before the respondent No.4.

3. It is the contention of the learned counsel for the petitioners that the proceedings initiated before respondent No.4 by respondent No.2 under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1973[2] was being contested by the petitioners, *inter alia* on the ground that the properties that are the subject matter of the said proceedings and the properties that are claimed by the petitioners are different. In this regard, the petitioners had filed WP No.7773/2023 (Annexure -E). This Court vide order dated 18.11.2025 dismissed the said writ petition reserving liberty to the petitioners to adduce all evidence in support of their contention raised on the merits of the matter.

4. It is the case of the petitioners that consequent to the dismissal of the writ petition, the petitioners have come in possession of certain documents and the same were required for the purpose of cross-examining PW.1 further. Hence, the

[1] Hereinafter referred to as 'impugned order'

[2] Hereinafter referred to as 'Act'

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petitioners filed two applications on 01.07.2026 under Order XVIII Rule 17 r/w Section 151 of the Code of Civil Procedure, 1908, (Annexures - F and G to the writ petition) which have been dismissed vide the impugned order. Being aggrieved, the present writ petition is filed.

5. Respondent No.4 vide the said impugned order has noticed that the evidence of PW.1 was led in the year 2018 itself and sufficient opportunities were afforded to the father of petitioner Nos.1 to 3 and husband of petitioner No.2 (who was arrayed as respondent No.1 before respondent No.4) on 24.01.2019 and 16.04.2019 and that subsequently there has been no attempt by the petitioners to seek for cross-examination of PW1. Hence, respondent No.4 dismissed the applications in question.

6. It is the contention of the petitioners that they have not encroached upon the properties, which were the subject matter of the proceedings before respondent No.4. Further, the petitioners have filed their objections in the proceedings before

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MONNAPPA POONACHA

respondent No.4 and were actively contesting the same, *inter alia* by filing WP No.7773/2023.

7. In view of the fact that the writ petition (WP No.7773/2023) was disposed of on 18.11.2025 and subsequent to the same that the applications in question have been filed, the finding of respondent No.4 that consequent to the opportunities afforded to the petitioner on 24.01.2019 and 16.04.2019, no effort was made to cross-examine PW.1 is liable to be interfered with.

8. Having regard to the fact that in the proceedings before respondent No.4, right, title and interest in immovable properties is required to be adjudicated and keeping in mind that the petitioners seek to assert that they have not encroached the properties that are the subject matter of the proceedings before respondent No.4, it is expedient that another opportunity be afforded to the petitioners to cross-examine PW1.

9. Hence, the following:

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ORDER

i. The writ petition is partly allowed;

ii. The impugned order 09.09.2026 passed in case No.7224/PPE/PRTC/Sy.No.1 MH (06/2017) by respondent No.4 is hereby set aside;

iii. The applications dated 01.07.2026 filed by the petitioner under Order XVIII Rule 17 read with Section 151 of the CPC (Annexures-F and G to the writ petition), are hereby allowed;

iv. The petitioners shall be permitted to cross-examine PW1 on the date fixed for such cross-examination by the respondent No.4;

v. It shall also be open to the respondent No.2 to adduce further evidence consequent to the cross-examination of PW1, if a request in that regard is made by respondent No.2, before the 4th respondent;

vi. Consequent to the cross-examination of PW1 by the petitioners, the petitioners shall be afforded another opportunity to adduce their evidence;

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vii. Respondent no. 4 shall conduct further proceedings in accordance with law;

viii. All rights and contentions of the parties on the merits of the matter are kept open.

10. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 3