HC-KAR

NC: 2026:KHC:62679
WP No. 34687 of 2026

CNR: KAHC010766052026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 34687 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. MANJUNATH. K.,
   S/O. SRI. KRISHNAPPA,
   AGED ABOUT 32 YEARS,
   R/AT NO. 101, RAYASANDRA VILLAGE,
   NEAR MADDURAMMA TEMPLE,
   HUSKUR POST,
   SARJAPURA HOBLI,
   ANEKAL TALUK,
   BENGALURU-560 009.

...PETITIONER

(BY SRI ANGAD KAMATH, ADVOCATE FOR
SRI AJAY KUMAR N., ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI. MAHESH. S.,
   S/O. SRI. SUBBAPPA @ MADAPPA,
   MAJOR,
   R/AT RAYASANDRA VILLAGE,
   HUSKUR POST,
   SARJAPURA HOBLI,
   ANEKAL TALUK,
   BENGALURU-560 099.

2. SRI. SUBBAPPA @ MADAPPA
   S/O. SRI. MUNISHAMAPPA,
   AGED ABOUT 70 YEARS,

R/AT RAYASANDRA VILLAGE,
HUSKUR POST,
SARJAPURA HOBLI,
ANEKAL TALUK,
BENGALURU-560 099.

…RESPONDENTS

(BY SRI MANOJ MADAV N., ADVOCATE FOR C/R1 & R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 28.10.2026 PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ANEKAL, IN M.A. NO.58/2025 (ANNEXURE-A) AND THE ORDER DATED 20.09.2025 PASSED BY THE III ADDITIONAL CIVIL JUDGE AND JMFC, ANEKAL, ON I.A. NO. 1 IN O.S. NO. 2/2024 (ANNEXURE-B).

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

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

ORAL ORDER

This petition is filed challenging the order dated 20.09.2025 passed in O.S. No.2/2024 and the order dated 28.10.2026 passed in M.A. No.58/2025.

2. Learned counsel appearing for the petitioner submits that the petitioner instituted the suit seeking the relief of permanent injunction and filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC), seeking to restrain the respondents from interfering with the suit schedule

property. It is contended that the Trial Court, without properly examining the documents produced along with the plaint, erroneously rejected the application.

2.1 It is further submitted that the petitioner claims possession of the suit schedule property under a registered sale deed and that such possession cannot be disputed. Learned counsel also contends that the First Appellate Court, without proper appreciation of the material on record, has erroneously affirmed the order of the Trial Court rejecting the application for temporary injunction.

3. *Per contra*, learned counsel appearing for the caveator/respondent Nos.1 and 2 submits that the petitioner claims ownership and possession over the suit schedule properties bearing Site Nos.12 and 13 in Sy. No.91/P36. It is contended that the petitioner is indulging in illegal activities by creating sale deeds on the basis of fabricated documents and instituting suits for injunction on the strength of such documents.

3.1 It is further submitted that the petitioner has adopted a similar modus operandi in respect of Government lands, in relation to which proceedings under the land grabbing prohibition laws have been initiated. Learned counsel submits that, at the instance of the petitioner, the police attempted to dispossess the respondents, compelling them to approach this Court by filing W.P. No.21492/2023. In the said proceedings, this Court directed the police not to interfere with the possession of the respondents herein over the suit schedule property.

3.2 It is further contended that the revenue authorities have conducted a survey in the land grabbing proceedings and identified the parcels of land claimed illegally by the petitioner. The said survey, according to learned counsel, would demonstrate that the petitioner has no right, title or interest over the suit schedule property, except on the basis of the sale deed executed by a vendor who had no subsisting right or title over the property, the same having been alienated much earlier.

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

5. Both parties have raised rival claims with regard to possession of the suit schedule property. According to both parties, the properties in question are Site Nos.12 and 13. While the petitioner claims that the said sites form part of Sy. No.91/P36, the respondents contend that they form part of Sy. No.91/P29.

6. The larger issue that *prima facie* emerges for consideration is whether both parties are asserting rights and possession over the same property or whether there is an overlap in their respective claims of title. In the circumstances, appointment of a Court Commissioner would be necessary to ascertain the factual position.

7. Having regard to the rival claims, this Court is inclined to interfere with the impugned orders and make an interim arrangement by directing both parties to maintain *status quo* in respect of the suit schedule property. The application filed under Order XXXIX Rules 1 and 2 of the CPC requires proper

adjudication by the Trial Court upon consideration of the report of the Court Commissioner.

8. Having regard to the serious allegations regarding illegal encroachment, alleged interference by the police and initiation of land grabbing proceedings, the interim arrangement of maintaining *status quo* cannot be continued indefinitely until disposal of the suit.

9. In the light of the above, the following:

O R D E R

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

II. The order dated 20.09.2025 passed in O.S. No.2/2024 and the order dated 28.10.2026 passed in M.A. No.58/2025 are hereby ***set aside***.

III. The application filed under Order XXXIX Rules 1 and 2 of the CPC is ***remitted*** to the Trial Court for fresh consideration in accordance with law.

IV. The parties are directed to maintain *status quo* in respect of the suit schedule property as an interim

arrangement until the application filed under Order XXXIX Rules 1 and 2 of the CPC is adjudicated afresh by the Trial Court.

V. Either of the parties is at liberty to seek appointment of a Court Commissioner for identification of the suit schedule property. The Trial Court shall consider such request before proceeding to re-adjudicate the application filed under Order XXXIX Rules 1 and 2 of the CPC.

SD/-
(K. V. ARAVIND)
JUDGE

VP