

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****DATED THIS THE 22ND DAY OF APRIL, 2024****BEFORE****THE HON'BLE MR JUSTICE M.NAGAPRASANNA****WRIT PETITION NO. 6029 OF 2024 (GM-POLICE)****BETWEEN:**

SRI G.NARASAPPA
S/O LATE V. GANGAPPA,
AGED ABOUT 59 YEARS,
R/AT KUDUREGERE VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK – 562 162.

...PETITIONER

(BY SRI UDAY KUMAR H.B., ADVOCATE)

AND:

1. DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS,
NRUPATHUNGA ROAD,
BENGALURU – 01.
2. DEPARTMENT OF HOME
REPRESENTED BY SECRETARY,
VIDHANA SOUDHA,
BENGALURU – 01.
3. THE SUPERINTENDENT OF POLICE
BANGALORE RURAL DISTRICT,





MILLERS ROAD, VASANTH NAGAR,
BENGALURU – 52.

4. THE STATION HOUSE OFFICER
MADANAYAKANAHALLI POLICE STATION,
BENGALURU DISTRICT – 562 162.
5. SRI MANJUNATHA
S/O SIDDAPPA, AGED ABOUT 55 YEARS,
ALUR POST, DASANAPURA HOBLI,
NELAMANGALA TALUK,
BANGALORE NORTH RURAL DISTRICT,
BENGALURU – 562 123.
6. SRI TEJAS
S/O MANJUNATHA,
AGED ABOUT 22 YEARS,
R/AT KUDUREGERE, ALUR POST,
DASANAPURA HOBLI,
NELAMANGALA TALUK,
BANGALORE NORTH RURAL DISTRICT,
BENGALURU – 562 123.

...RESPONDENTS

(BY SRI K.P.YOGANNA, AGA FOR R1 TO 4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION RESPONDENT 1 TO 4 TO GIVE PROTECTION / ASSISTANCE TO THE PETITIONER TO PREVENT THE INTERFERENCE OF R5 AND R6 AND THEIR HENCHMEN, IN ENFORCING THE ORDER OF TEMPORARY INJUNCTION ORDER DTD 20.01.24 PASSED, AFTER HEARING BOTH SIDED IN OS NO. 14/23 ON THE FILE OF THE 4TH ADDL. CIVIL JUDGE AND JMFC AT NELAMANGALA.



THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking the following prayer:

- "a) Issue a writ of Mandamus directing Respondents 1 to 4 to give protection / assistance to the petitioner to prevent the interference of respondents no.5 and 6 and their henchmen, in enforcing the order of temporary injunction order dated 20/1/2024 passed, after hearing both sides in O.S.No.14/2023 on the file of the 4th Addl. Civil Judge & JMFC at Nelamangala as per Annexure – A.*
- b) Issue any other writ / s, direction / s, or order / s as deemed fit to pass under the facts and circumstances of the case in the interest of justice and equity."*

2. Heard Sri Udaya Kumar H.B., learned counsel for petitioner and Sri K.P.Yoganna, learned Additional Government Advocate for respondent Nos.1 to 4.

3. The petitioner is the plaintiff in O.S.No.14/2023, in which the concerned Court has granted a temporary injunction in favour of the petitioner. It is the case of the petitioner that



despite grant of temporary injunction defendants in the suit are causing hindrances in the peaceful possession and enjoyment of the property by indulging in unlawful acts, which would become offences punishable under the provisions of the Indian Penal Code, and therefore, registered a complaint before the jurisdictional police on 17.08.2023. It results in an endorsement being issued by the police contending that it is a land dispute and would not interfere. The police summoned the defendants and the defendants appeared before the police and have undertaken that they would not interfere with the possession of the petitioner.

4. The complaint is in detail and it does not project only a land dispute but certain other acts are also indicated in the complaint, which are punishable under the IPC. Therefore, if there is interference in real time and the offences are all cognizable, the police shall take action against those persons are figured in the complaint, in terms of the **LALITA KUMARI v. GOVERNMENT OF UTTAR PRADESH AND OTHERS** reported in **(2014)2 SCC 1**.



5. With the aforesaid observations, the writ petition stands disposed.

Ordered accordingly.

**Sd/-
JUDGE**

NVJ
List No.: 2 Sl No.: 13