



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 12<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR**

**WRIT PETITION NO. 26634 OF 2024 (GM-CPC)**

**BETWEEN:**

1. SRI ESHWAR SHETTY P.,  
S/O LATE PATA KRISHNAIAH SHETTY,  
AGED ABOUT 81 YEARS,  
R/O DEVANUR MAIN ROAD,  
GANESH BAKERY, VIJAYANAGARA  
TUMAKUR TALUK AND DIST. – 572 102.
2. SRI P. RAMANJINEYA SHETTY,  
S/O LATE PATA KRISHNAIAH SHETTY,  
AGED ABOUT 74 YEARS,  
R/A MANGALAVADA VILLAGE,  
NIDAGAL HOBLI, PAVAGADA TALUK,  
TUMKUR DISTRICT – 572 116.
3. SRI P. VENUGOPALA SHETTY,  
S/O LATE PATA KRISHNAIAH SHETTY,  
AGED ABOUT 74 YEARS,  
R/A MANGALAVADA VILLAGE,  
NIDGAL HOBLI, PAVAGADA TALUK,  
TUMAKUR DISTRICT – 572 116

REPRESENTED BY THEIR SPA HOLDER  
SRI MANJUANATHA P.,  
S/O ESHWARA SHETTY P.,  
AGED ABOUT 46 YEARS  
R/A NO.10, 1<sup>ST</sup> CROSS, KANAKANAGAR  
PATTEGAR PALYA MAIN ROAD,  
BENGALURU – 560 072.

...PETITIONERS

(BY SRI. KESHAV R. AGNIHOTRI, ADVOCATE)





**AND:**

1. PANCHAYAT DEVELOPMENT OFFICER (PDO)  
MANGALAVADA VILLAGE PANCHAYATH,  
NIDGAL HOBLI, PAVAGADA TALUK,  
(AS PER COURT ORDER DT. 10.01.2024)

2. SRI. V. NAGARAJA GUPTHA  
S/O LATE P. VISHWANAHA SHETTY  
AGED ABOUT 71 YEARS  
R/A MANGALAVADA VILLAGE,  
NIDGAL HOBLI, PAVAGADA TALUK,  
TUMAKURU DISTRICT – 572 116

PRESENTLY R/O NO.47,  
“SOUNDARYA NILAYA”, 11<sup>TH</sup> CROSS,  
5<sup>TH</sup> MAIN, NRUPATHUNGA NAGARA,  
N.G.E.F. BENGALURU – 560 072.

3. SRI. B.V. VENKATESH GUPTHA  
S/O B. V. VENATACHALAI AH  
AGED ABOUT 54 YEARS  
MANGALAVADA VILLAGE,  
NIDGAL HOBLI, PAVAGADA TALUK,  
TUMAKURU DISTRICT – 572 116

PRESENTLY R/O NO. 47/35,  
GROUND FLOOR, 10<sup>TH</sup> MAIN,  
KALAPPA BLOCK, NEAR CAMBRIDGE SCHOOL,  
SRINAGARA, BANASHANKARI,  
BENGALURU – 560 050.

4. SRI S. BALAJI  
S/O T. SATHYANARAYANA GUPTHA  
AGED ABOUT 33 YEARS  
R/O MANGALAVADA VILLAGE,  
NIDGAL HOBLI, PAVAGADA TALUK,  
TUMAKURU DISTRICT – 572 116

...RESPONDENTS

(BY SRI. LAKSHMIKANTH K., ADVOCATE FOR R4;  
VIDE ORDER DATED 28.10.2024, NOTICE TO R1, R2 & R3  
ARE DISPENSED WITH)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE BOTH THE IMPUGNED ORDER DTD 30.03.2024 PASSED BY THE SR CIVIL JUDGE AND JMFC PAVAGADA IN OS NO. 122/2023 VIDE ANNEX-G AND ALSO THE IMPUGNED ORDER DTD 16.07.2024 PASSED BY THE IV ADDL DIST AND SESSION JUDGE TUMAKURU SITTING AT MADHUGIRI IN MA N. 5010/2024 VIDE ANNEX-J THEREBY GRANT TEMPORARY INJUNCTION AGAINST THE RESPONDENT THUS ALLOW THE ABOVE WP.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

### **ORAL ORDER**

In this petition, the petitioners seek the following reliefs:

*"i. Call for records in OS No.122/2023 on the file of the Sr. Civil Judge, Pavagada & also in M.A.No.5010/2024 on the file of IV Addl. District and Sessions Judge, Tumakuru, sitting at Madugiri.*

*ii. Pass an appropriate Writ, order or direction in the nature of **CERTIORARI**, thereby set aside both the impugned order dt:30.03.2024 passed by the Sr. Civil Judge and JMFC, Pavagada in O.S.No.122/2023 vide **ANNEXURE-G** and also the impugned order dt.16.07.2024 passed by IV Addl. District and Sessions Judge, Tumakuru, sitting at Madhugiri, in M.A.No.5010/2024, vide Annexure-J, thereby grant Temporary Injunction against the Respondents and thus allow the above Writ Petition."*

2. Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.



3. The material on record will indicate that the application for temporary injunction filed by the petitioners-plaintiffs in O.S.No.122/2023 was dismissed by the Trial Court vide impugned Order dated 30.03.2024 and confirmed by the First Appellate Court in M.A.No.5010/2024 vide impugned Order dated 16.07.2024. Under these circumstances, I deem it just and appropriate to dispose of this petition, directing the Trial Court to dispose of the suit within a period of one year from the date of receipt of a copy of this order, without being influenced by the findings and observations recorded in the impugned orders.

4. Insofar as the apprehension of the learned counsel for the petitioners that the respondents are putting up illegal and unauthorised construction on the suit schedule property is concerned, it is needless to state that any construction put up/being put up by the respondents-defendants on the suit schedule property would be subject to the final outcome of the suit and the respondent-defendants would be doing so at their own risk and cost and they would not claim any equities in this regard and that the same would be without prejudice to the rights and contentions of the plaintiffs.



Accordingly, subject to the aforesaid directions, the petition stands disposed of.

All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.

**Sd/-  
(S.R.KRISHNA KUMAR)  
JUDGE**

BMC  
List No.: 3 SI No.: 29