

IN THE COURT OF THE CIVIL JUDGE & JMFC, AT SANDUR

:: PRESENT ::

Sri. Md. Shaiz Chouthai,

B.A.,LL.B. (Hons.), LL.M,(M.L.)

Civil Judge & JMFC, Sandur

Dated: 22nd day of June 2026

O.S. No.175/2024

Plaintiff/s : Smt. B. Nagaveni W/o B.Nagaraj,
Aged about 60 years,
R/o House No.327,
Durgamma Seda Bhavi Badavane,
Shivapura,
Kudligi Taluk, Vijayanagara District,
Now present business address,
D. No.2512/G, in ward No.14,
Sandur,
Sandur Taluk, Ballari District.

(By Sri. K.M.C., Advocate)

V/S

Defendant/s : A. Niranjana S/o Late A. Shiva Prasad,
Aged about 45 years,
R/o Main Bazar, Sandur,
Sandur Taluk, Ballari District.

(By Sri. G.M., Advocate)

I.A.No.IX

Applicant : A. Niranjan S/o Late A. Shiva Prasad
(Defendant)

V/s

Opponents : Smt. B. Nagaveni W/o B.Nagaraj
(Plaintiff)

ORDER ON I.A.No.IX FILED UNDER ORDER XXXIX**RULE 1 AND 2 R/W Sec. 151 OF C.P.C.**

The defendant has filed this application under Order XXXIX Rules 1 and 2 read with Section 151 of the C.P.C., seeking to restrain the plaintiff, her employees, servants, and agents from allowing customers to consume liquor in and around the written statement schedule liquor shop premises within a 100-meter radius, till the disposal of the suit.

2. The plaintiff has filed this false suit against the defendant for a permanent injunction and has obtained an ex-parte temporary injunction. By taking undue advantage of the said order, the plaintiff and her employees are allowing their customers to consume alcohol in and around the liquor shop

premises within a 100-meter radius. After consuming alcohol, these intoxicated persons create a public nuisance for the occupants of other buildings belonging to the defendant, as well as for the general public, especially since the main bus stand in Sandur is located only about 100 meters away from the said shop. Consequently, the occupants of the neighboring buildings, the residents of LB Colony, and the general public of Sandur have complained about the public nuisance and illegal activities of these intoxicated individuals, who consume liquor with the permission of the plaintiff and her employees.

3. The plaintiff holds a CL-2 license, under which she is only permitted to sell liquor in retail and is strictly prohibited from allowing her customers to consume alcohol within a 100-meter radius of the premises. The plaintiff and her employees have willfully violated the terms and conditions of the said CL-2 license. As such, the defendant has filed this application seeking to restrain the plaintiff and her employees from allowing customers to consume alcohol on or around the premises. It is

submitted that the defendant has a prima facie case and that the balance of convenience lies in his favor. If the injunction is not granted, the defendant will suffer irreparable prejudice and hardship. On these grounds, the defendant prays that this application be allowed.

4. The plaintiff filed objections refuting the entire allegations made in the application. She reiterated the plaint averments, stating that she is conducting the business of retail sale of Indian made liquor after obtaining due permission from the Deputy Commissioner, Department of Excise, Ballari, in the premises rented from the defendant. According to her, she has not violated any of the conditions of the CL-2 license, and the defendant has failed to make out any grounds for seeking the relief of an injunction. She contended that the allegations made in the application are imaginary, illusory, and based on mere surmises. The defendant has not established any prima facie case, nor does the balance of convenience lie in his favor. The plaintiff is strictly selling liquor in the suit property after obtaining a valid

license from the competent authority, and the defendant has no right to restrain her from doing so. She categorically denied the allegation of permitting the public to consume alcohol in and around the suit property. On these and other grounds, the plaintiff prays that the application be dismissed.

5. Heard the argument of learned counsel for the plaintiff and defendant. Perused the records.

6. The points that arise for my consideration are:-

1. Whether the applicant proves that he has *prima-facie* case in his favour to the grant the interim relief as sought for?
2. Whether the applicant proves balance of convenience in his favour?
3. Whether the applicant proves that he would suffer irreparable loss if injunction is not granted as sought for?
4. What order?

7. My answer on the above points are as follows:-

Point No.1 : In the Affirmative

Point No.2 : In the Affirmative

Point No.3 : In the Affirmative

Point No.4 : As per final order
for the following:-

REASONS

8. **POINT NO.1 TO 3:-** All these points are taken together for common discussion to avoid repetition of facts and appreciation of materials on records.

9. This suit is filed by the plaintiff against the defendant for the relief of a permanent injunction, restraining him from evicting the plaintiff from the suit property without following the due process of law.

10. It is an admitted fact that the plaintiff is a tenant of the shop premises bearing Door No. 2512/G, Ward No. 14, Sandur, which belongs to the defendant. The said property is situated opposite the Sandur bus stand. It is also an admitted fact that the plaintiff is conducting the business of retail sale of Indian made liquor in the suit property under a CL-2 license. Whether the tenancy period has expired and whether the plaintiff is in

arrears of rent are matters to be decided during the trial.

11. The primary hardship currently faced by the defendant, as the owner of the property, is that despite holding a CL-2 license, the plaintiff is permitting the public and her customers to consume alcohol inside, outside, and in the immediate vicinity of the shop. This has drawn severe criticism from the general public. According to the defendant, the plaintiff's customers, after consuming liquor at the premises, create a public nuisance by loitering or sleeping inappropriately in public spaces. This not only causes immense inconvenience to the public but also poses serious safety hazards to women and children.

12. The plaintiff denied that she is permitting her customers to consume alcohol within the shop premises, maintaining that she has not violated any conditions of the CL-2 license. The learned counsel for the plaintiff argued that the defendant had taken photographs from various other locations, including areas near the bus stand, and placed them before the

Court to falsely project them as depictions of the suit premises.

13. The defendant has produced numerous documents and photographs to support his contentions and to prove that the plaintiff is permitting customers to consume liquor inside the shop, outside the shop, and in the nearby vicinity. The defendant asserts that this activity causes immense embarrassment and inconvenience to the general public, particularly to women passing by the shop.

14. The defendant has made every effort by approaching various government authorities to shift the liquor shop from the suit property, but none of them have come to the rescue of either the defendant or the general public. The public even initiated a signature campaign demanding the relocation of the liquor shop. Similarly, the residents of the area approached the Tahsildar of Sandur with a request to shift the shop, but no action has been taken. Furthermore, a letter addressed by the Member of Parliament of Sandur constituency to the Deputy Commissioner of

Ballari, urging him to take steps to relocate the liquor shop, failed to yield any relief. In all the representations addressed to the various authorities, including the Sandur Police Station, it was consistently brought to their notice that the plaintiff's conduct in permitting customers to consume alcohol inside, outside, and in the immediate vicinity of the shop attracts unruly gatherings, thereby causing a severe public nuisance.

15. A CL-2 license is strictly an off-premises retail license, meaning the holder is authorized only to sell sealed bottles of alcohol for consumption elsewhere. This is an express condition stipulated in the license held by the plaintiff. Permitting customers to open and consume liquor at or near the shop, or across the counter, constitutes a strict violation of both the law and the license conditions. Liquor shop operators holding a CL-2 license are legally obligated to prevent their customers from drinking openly immediately outside their premises.

16. In the instant case, the plaintiff is not only allowing

her customers to drink openly outside the premises, but also inside the shop itself and within a 100-meter radius. The photographs produced by the defendant prima facie exhibit that the plaintiff, despite holding only a CL-2 license, is permitting her customers to consume alcohol inside the shop. It is further alleged that the plaintiff is not only permitting such consumption but is also actively making plastic glasses and eatables available within the premises. The photographs further reflect that due to the consumption of alcohol within the shop premises, consumers are found sleeping inappropriately in public spaces, which poses health hazards and compromises public safety, particularly for women and children. Consumption of liquor in and around a shop situated near the Sandur bus stand raises serious public safety concerns, adversely impacting children, women, and the elderly. Commuters who arrive to board buses or access other modes of transportation face immense hardship when forced to navigate a situation where consumers are found sleeping publicly in an inebriated condition.

17. The learned counsel for the plaintiff argued that the plaintiff cannot monitor consumers drinking alcohol outside the shop, contending that her sole business is to sell liquor and not to police the surroundings. However, as stated above, liquor shop operators holding a CL-2 license are legally obligated to prevent their patrons from openly drinking immediately outside their premises, especially within a 100-meter radius of the shop. The photographs produced prima facie indicate that consumers are drinking alcohol within the shop premises, which has resulted in piles of plastic glasses and bottles, thereby causing health hazards.

18. The defendant has established a prima facie case for restraining the plaintiff from allowing her customers to consume alcohol inside, outside, or within a 100-meter radius of her shop, as this activity has a large-scale adverse impact on society. If the injunction as sought is not granted, severe hardship will be caused not only to the defendant but to the general public. The conduct of the plaintiff has compelled the defendant and the public to approach multiple authorities, none of whom have taken action.

19. Therefore, this Court, in the exercise of its inherent powers under Section 151 of the C.P.C., deems it appropriate to direct the Excise Police Inspector, Sandur, to take necessary steps against the plaintiff for the alleged violations of the CL-2 license and to submit a report before this Court. The Excise Police Inspector, Sandur, shall strictly ensure that the plaintiff does not violate the conditions of the CL-2 license. With these observations, I answer Points No. 1 to 3 in the **AFFIRMATIVE**.

20. **POINT NO.4:-** In view of the above findings and discussions, I proceed to pass the following:-

ORDER

IA. No.IX filed by the applicant– defendant
U/O XXXIX Rule 1 and 2 R/W. Sec. 151 of
C.P.C., is hereby allowed.

The plaintiff, her employees, servants, agents are restrained from allowing the customers to consume liquor in and around the suit property within 100 meters radius, till the disposal of the suit.

The plaintiff, her employees, servants, agents are also restrained from selling plastic bottles and eatables within and outside the liquor shop, till the disposal of the suit.

The Excise Police Inspector, Sandur is directed to take proper steps against the plaintiff for violation of CL-2 license and file report before the court.

The Excise Police Inspector, Sandur shall strictly see that the plaintiff shall not violate the conditions of CL-2 license.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open Court, on this the 22nd day of June 2026)

(Md. Shaiz Chouthai)
Civil Judge & JMFC, Sandur