

**IN THE COURT OF ADDITIONAL CIVIL JUDGE &
JUDICIAL MAGISTRATE FIRST CLASS AT HOSADURGA.**

Present: SMT. THRINETHRA M.N.
M.A., L.L.B.,
Addl. Civil Judge and JMFC.,
Hosadurga.

O.S.NO.82/2025

DATED THIS THE 15th DAY OF JUNE-2026

PLAINTIFF : 1. Smt. Jayamma K.
W/o. Late. Ramaiah,
Aged about 60 years,
Agriculturist,
R/o. Doddabeladakere
Village,
Mathodu Hobli,
Hosadurga taluk,
Chitradurga district.

**(Rep. By. Sri. T.B Mylarappa
Advocate)**

Versus

DEFENDANTS : 1. The general manager,
Smt. B.L Ranisamyuktha,
Owner of the Mines
M.L No.21,
Doddabeladakere,
Mathodu Hobli,
Hosadurga taluk,
Chitradurga district.

2. Smt. B.L Ranisamyukth,
52, 2nd cross,
Huda office,
Lane college road,
Shanty Nagara,
Hosapet – 583201.

(Rep. By. Sri. KGPR, Advocate)

Parties to IA No.V**DEFENDANT No.2/****APPLICANT :** Smt. B.L Rani Samyuktha**Versus****PLAINTIFF/
OPPONENT :**

Smt. Jayamma,

ORDERS ON IA No.V

The applicant/defendant No.2 has filed IA No.V U/o.39 Rule 1 and 2 of CPC, seeking relief of ad-interim temporary injunction restraining the plaintiff, her successors, attorneys, henchmen, coolies or anybody claiming through her from interfering with her peaceful possession and lawful mining operations over the petition schedule leased property, in any manner till disposal of the suit.

PETITION SCHEDULE

2. All the piece and parcel of land comprised in the mining lease pertaining to **M/S. DODDABYALADAKERE IRON ORE MINES ML NO. 021** (Now leased in the name of Smt. B.L Rani Samyuktha after declared as the preferred Bidder) (erstwhile lessee name M/s. Thangavelu & others M.L No.2585) situated at village: Doddabyaladakere, Taluk: Hosadurga, District: Chitradurga.

3. The applicant/defendant no 2 has filed an affidavit along with IA No.V and stated that, The plaintiff has filed the present suit for permanent injunction claiming alleged possession over the suit schedule property and has also filed an application seeking temporary injunction against this defendant No. 1 & 2. The plaintiff is not in possession of the suit schedule property on the date of filing of the suit. The entire suit is filed with an ulterior motive to obstruct the lawful mining operations of the defendant No.1 and 2. It is further stated that, the Director, Department of Mines and Geology, Government of Karnataka, pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and its amendments (the "Act") and the Mineral (Auction) Rules, 2015 including its amendments (the "Rules"), clarifications issued by the Ministry of Mines, Government of India and also the Supreme Court judgments and orders in Samaja Parivarthana Samudaya and Ors V/s. State of Karnataka and Others W.P. (C) 562 of 2009, issued the notification and Notice Inviting Tender dated 11.07.2022 for grant of mining lease for "M/s. Thangavelu & Others ML No. 2585" iron ore mine in Doddabyaladakere village, Hosadurga Taluk, Chitradurga District of Karnataka for the CEC finalized extent of 60.92 Hectare.

It is further stated that, the e-auction process in respect of the said mineral block was conducted strictly in accordance with the

applicable Rules and the Tender Document, and she was declared as the "preferred Bidder" in terms of Rule 9(9) (iii) of the Rules, having quoted the highest Price Offer. Pursuant thereto, after depositing Crores of rupees and furnishing the requisite bank guarantee to the satisfaction of the Government, the Department of Mines and Geology has executed a registered Mining Lease Deed bearing No. 2898/2023-24 dated 01.08.2023 for a period of 50 years, in her favour, granting a new Mining Lease bearing ML No. 021 to the extent of 60.92 hectare.

It is further stated that, from the date of execution of the lease, she was lawfully put in possession of the leased area and have been in actual, peaceful and continuous possession and enjoyment of an extent of 60.92 hectares in respect of erstwhile mines M/s Thangavelu & Others M.L. No. 2585, situated at Village: Doddabyaladakere, Taluk: Hosadurga, District: Chitradurga ie. the petition schedule property.

Thereafter, she has obtained all statutory compliances, including Environmental Clearance and approved Mining Plan from the Indian Bureau of Mines, and consequently, she has lawfully permitted to commence and carry on mining operations in the said mining lease. She reiterate that she was put in possession of the petition schedule property on the same day of execution of the lease

deed. It is pertinent that, the plaintiff has not challenged the validity of the lease till date before the competent authority.

It is further stated that, after taking possession of the petition schedule property, she has developed the leased land and now she excavating the minerals and made suitable for carrying our business and selling the minerals to the vendors by taking permits from the department of mines and geology. She is having peaceful possession and enjoyment of the schedule mentioned leased land.

It is further stated that, on 22.01.2026, the plaintiff, at the instigation of certain busybodies, approached them and demanded issuance of work orders for hiring machinery in our mining lease at exorbitant rates, under the pretext that they are local residents. As she did not accede to such illegal and unjustified demands, the plaintiff, taking advantage of the continuous Government holidays on 25.01.2026, along with her henchmen, illegally obstructed the mining operations and threatened the workmen and vehicles at the mining site, by misusing the pendency of the above suit to stall lawful activities. Despite requests not to take law into their own hands, the plaintiff and her associates openly threatened us that, they would not permit us to take law into their own hands, the plaintiff and her associates openly threatened them that, they would not permit them to carry on mining operations over the petition

schedule property. After creating obstruction that they would not permit us to carry on mining operations and disturbance, they left the leased area while issuing further threats to prevent continuation of mining activities. In these circumstances, we reasonably apprehends that the plaintiff may at any time unlawfully enter the petition schedule property and forcibly dispossess them from the leased land, unless restrained by an order of this Hon'ble Court.

It is further submitted that, neither the plaintiff nor any other members of her family have any manner of right, title or interest whatsoever over the petition schedule property in the question of interference and it the leased land is granted by the government, after observing all statutory clearances.

It is further submitted that, though she has reported the said incident to the police they have suggested us approaching the civil court as it is pertaining to civil dispute and matter is sub-judice before this Hon'ble court. In these circumstances, she has no other alternatives except to seek the necessary relief from a court of law preventing the plaintiff from interfering their peaceful possession and enjoyment of the petition schedule leased land. Hence, she has advised to file present application for grant of injunction. She has made out a strong case for grant of injunction.

It is submitted that she has a strong prima facie case and that the balance of convenience lies entirely in their favour rather than the plaintiff, inasmuch as she is carrying on lawful mining operations pursuant to valid Government permissions. If the present application is not allowed, we will be put to grave hardship and irreparable inconvenience, whereas no prejudice will be caused to the plaintiff. Any obstruction to our lawful mining activities would result in huge and irreparable financial loss, besides depriving our legitimate statutory right to carry on mining operations under the subsisting lease. Such loss cannot be adequately compensated in terms of money. On these grounds defendant No.2 sought for allowing the application.

4. The plaintiff has filed objection to this application. In the objections, It is submitted that, the Defendants 1 and 2 have filed the application U/O 39 Rule 1 and 2 of CPC for seeking temporary injunction against the Plaintiff in respect of the suit schedule property.

It is contended that, the Plaintiff denied the contents of the application is false and frivolous is opposed to law and hence, not maintainable either in law or on facts of the case, the same is liable to be dismissed in limine. Since, the Defendants 1 and 2 have not shown a single piece of paper under which Survey number is in

question only mentioned 60.92 Acres situated at Doddabyaladakere village, in the execution of lease agreement executed by the Director of Mines and Geology with the Defendants 1 and 2 dated 01/08/2023.

It is further contended that, the Defendants 1 and 2 have no title, right or interest over the schedule property and entering into the Plaintiff's property illegally, unnecessarily tress passing without any valid reasons is unjust and contrary to law. The Plaintiff being the absolute owner and Defendants are having no any manner of right, title, interest and possession in or over the suit schedule property, they are mining business persons. In spite of the same the Defendants frequently, illegally trying to interfering with the suit schedule property caused illegal interference and obstructed to the Plaintiff's peaceful possession and enjoyment. The Defendants mining work in near of the plaint schedule property bearing Sy No.59. It is also the Defendants are illegally trying to tress pass and trying to cause illegal interference with JCB machines do mining work in the suit schedule property. Thereby, they are seriously disturbing the Plaintiff's peaceful possession and enjoyment.

It is further contended that, the land bearing Sy.No.59/2 totally measuring 587 Acres 7 guntas situated at Doddabyaladakere village, Mathodu Hobli, Hosadurga taluk, Chitradurga District, out

of which, an extent of 67.29 Acres have been allotted to the 42 beneficiaries. In this connection, the Tahasildar, Hosadurga Taluk, Chitradurga District, has issued O.M. on 28/02/2014. Accordingly, the RTCs of various beneficiaries are standing still in the names of the aforesaid beneficiaries along with Plaintiff.

It is further contended that, the jurisdictional Tahasildar, has issued letter to the Asst. Commissioner, Chitradurga on 05/08/2014 pertains to the schedule property bearing Sy.No.59 in respect of the Plaintiff property. The Asst. Commissioner of Chitradurga District, has replied to the Tahasildar, Hosadurga Taluk, on 07/10/2014 in respect of the schedule property bearing Sy No 59 pertains to the Plaintiff property. It is stated that, the revenue authority has submitted a detailed report on 21/08/2014 pertaining to the schedule property bearing Sy No.59 in respect of the Plaintiff property.

It is further contended that, the jurisdictional village accountant Revenue authority has reported in detail pertaining to the schedule property bearing Sy No. 59, pertains to Plaintiff's property. The revenue authority ie R.I. and V.A. submitted a report to the Government ie. the jurisdictional Tahasildar, A.C. and D.C. pertaining to the schedule property bearing Sy.No.59 in respect of the Plaintiff property. The RTC is standing in the name of Plaintiff

bearing Sy. No. 59/2 measuring 1 acre 07 guntas situated at Doddabyaladakere village, Mathodu Hobli, Hosadurga taluk, also MR No.H26 dated 03/12/2014 standing in the name of Plaintiff in respect of schedule property.

It is further contended that, the saguvali chit/ grant Certificate issued by the Revenue Authority to the Plaintiff pertaining to the schedule property bearing Sy No.59, the Plaintiff is the small farmer, the copy of the certificate issued by the Revenue authority and also the Plaintiff is belongs to the schedule Caste and she has growing the crop in the schedule property bearing Sy.No.59/2 measuring 1-07 Acres, the Certificate issued by the Revenue authority. The Plaintiff has filed an impleading application to implead Government is a necessary party and to issue the notice U/S 80 of CPC in respect of the schedule property bearing Sy.No.59 situated at Doddabyaladakere village, Mathodo Hobli, Hosadurga Taluk. Hence, it is prayed for rejection of IA No.V.

5. The applicants/defendants have filed IA No.V U/o.39 Rule 1 and 2 of CPC, seeking relief of ad-interim temporary injunction restraining the plaintiff from causing any kind of interference in peaceful possession and enjoyment of suit property till disposal of the suit.

6. The Applicant/defendant No.2 has filed affidavit along with I.A.No.V and prays to grant ad-interim injunction.

7. The plaintiff has filed objection to IA No.V and prayed to reject IA No.V.

8. Both counsel have filed written arguments. Heard the arguments on both side and perused the entire records.

9. Upon hearing arguments and on perusal of materials placed on record the following points that arisen for consideration.

1. Whether the application of the defendants is maintainable?

2. Whether the defendants have made out a prima facie case in their favour?

3. Whether the balance of convenience lies in favour of defendants?

4. Whether irreparable loss or hardship will be cause to the defendants, if injunction is not granted?

5. What order?

10. My findings to the above points are as under.

Point No.1 - In the Negative

Point No.2 to 4 -Do not survive for consideration

Point No.5 - As per final order, for the following

REASONS

11. **Point No.1 :-** At the very outset it is necessary on the part of this court to clarify that the provision that the defendants are seeking to invoke here is Order XXXIX Rule 1 and 2 of Civil Procedure Code. After perusal of the prayer sought in the application it is needless to state that the case of the defendants falls within Clause (c) of Order XXXIX Rule 1 of Civil Procedure Code, which verbatim reads as follows :

“Where in any suit it is proved by affidavit or otherwise : -

(c) That the Defendant threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit...”

12. So the claim of the Defendants should first pass the litmus test provided for in the judgment rendered by the Full bench of **Hon’ble High Court of Karnataka, Principal Bench at Bengaluru, in Writ Petition No.58906/2013 (GM-CPC) and Writ Petition No.16412/2014 (GM-CPC) pronounced on 05th day of September 2014,** wherein the Hon’ble High Court has set out guidelines regarding the maintainability of an Injunction application under Order XXXIX Rule 1 and 2 of CPC by a Defendant and has categorically gone on to hold that:

"33. The correct legal position as is clear from the statutory provision is as under:

(i) Both the plaintiff and the defendant can maintain an application under Order XXXIX Rule 1(a) of Civil Procedure Code for the reliefs set out in the said provision.

(ii) In so far as relief under Order XXXIX Rule 1(b) and (c) is concerned, such a relief is available only to the Plaintiff and the defendant cannot maintain an application for the said reliefs in a suit filed by the Plaintiff, irrespective of the fact that his right to such relief arises either from the same cause of action or a cause of action that arises subsequent to filing of the suit.

However it is open to the Defendant to maintain a separate suit against the Plaintiff and seek relief provided under Order 39 Rule 1(b) and (c) of the code.

(iii) In cases which do not fall under Order XXXIX Rule 1 of Code, the Court has inherent jurisdiction to grant the relief of injunction in its discretion, if it is satisfied that such an order is necessary to meet the ends of justice or to prevent abuse of process of the Court and nothing in this Code shall limit or otherwise affect such inherent power of the Court."

Keeping in mind the said Obiter dicta of the Hon'ble High Court in mind, this Court has to first consider if the case of the Defendants falls within the purview of the aforesaid decision.

13. In this regard there must not be any iota of doubt in the mind of this court that the Defendants herein are seeking a relief of injunction thereby seeking that the Plaintiff be restrained from interfering with defendants peaceful possession over the suit schedule property. On careful consideration of the arguments made by the learned counsel for the defendants, it is evident that the defendants are, in substance, seeking a relief of temporary injunction to restrain the plaintiff from interfering with their alleged peaceful possession and enjoyment of the petition schedule property.

14. It is the specific contention of the defendants that they are the lawful leaseholders of the petition schedule property measuring 60.92 hectares in ML No. 21, granted in the name of Smt. B.L. Rani Samyukta, who was declared as the preferred bidder pursuant to a duly conducted e-auction process in accordance with the relevant Rules. In pursuance thereof, a registered Mining Lease Deed dated 18.01.2023 was executed for a period of 50 years, and possession was delivered on the same day.

15. The defendants further contend that, after obtaining the necessary permits, they commenced mining operations. However, on 22.01.2026, the plaintiff, along with others, allegedly interfered with the mining activities by making unlawful demands and obstructing the workmen and the movement of vehicles, thereby disrupting the operations. It is further alleged that the plaintiff and her associates unlawfully entered the lease area, caused obstruction, issued threats, and ultimately dispossessed the defendants from the petition schedule property. These allegations, if prima facie accepted, clearly fall within the ambit of Rule 1(c) of Order XXXIX of the Code of Civil Procedure, warranting consideration for the grant of a temporary injunction.

16. Hence, it is the considered opinion of this Court that the decision rendered by the Hon'ble High Court in the case cited supra, and the guidelines set out therein, are squarely applicable to the facts of the present case. Accordingly, the defendants herein are debarred from maintaining an application seeking an injunction against the plaintiff in a suit filed by the plaintiff. It is pertinent to note that the petition schedule leased property is entirely distinct and separate from the suit schedule property, and the defendants are not seeking any counterclaim in the present suit.

17. Hence application seeking injunction is not maintainable in a suit filed by the plaintiff. Where the law is clear that the defendants cannot maintain an application seeking temporary injunction for the mischief covered under Clause (c) of Order XXXIX Rule 1 of the Code of Civil Procedure in a suit filed by the plaintiff, this Court cannot permit such an application. ***For the foregoing reasons this court finds no hesitation in answering Point for consideration No.(i) in the negative.***

18. It becomes incumbent on the part of this court to clarify that where this Court has gone on to hold the defendants cannot maintain an application seeking temporary injunction for the mischief covered under Clause (c) Order XXXIX Rule 1 of Civil Procedure Code, in a suit filed by plaintiff, expressing its opinion on merits of the Defendants application would be wholly unjustified, as the Court will have no jurisdiction to entertain the application on facts and merits. Since the question of maintainability, is a point of law this Court has not ventured to consider the facts and express any opinion on the merits of the application of Defendants

19. POINT No.II to IV: In view of the finding of this court on Point for Consideration No.(i), this court finds no hesitation in holding that other points cannot be gone into by this Court, as the same would

tantamount to considering the application on merits, which is impermissible especially where this court has come to the conclusion that the said application is not maintainable in the present suit on technical grounds. Hence this court holds that in view of the finding of this court on Point No.(I), the point No. (II) to (IV) do not survive for consideration.

20. POINT No.V: For the foregoing reasons and in view of the finding given by this court on Point No. I to IV, this court proceeds to pass the following:

ORDER

IA No.V U/O XXXIX Rule 1 and 2 CPC
filed by the defendants is hereby dismissed as
not maintainable.

Parties shall bear their own costs.

(Dictated to the Stenographer directly on the computer typed by her, corrected and pronounced by me in the open court on this the 15th day of June, 2026).

**Addl. Civil Judge & JMFC.,
Hosadurga.**