

KAHS510024162025



Presented on : 04-12-2025
Registered on : 04-12-2025
Decided on : 07-02-2026

IN THE COURT OF CIVIL JUDGE AND JMFC, BELUR

AT: BELUR

Present:

**Sri. Nagendra.,
B.A., LL.B.,**

Civil Judge & JMFC, Belur.

O.S.No.499/2024

Dated this, the 07th day of February 2026

Sri.Eshwarappa S/o.Late Giryappagowda

...Plaintiff

-Versus-

Sri.Mahesh D.S. S/o.D.P.Shivananjappa

.... Defendant

I.A. No.II

Sri.Eshwarappa S/o.Late Giryappagowda

...Applicant/ Plaintiff

-Versus-

Sri.Mahesh D.S. S/o.D.P.Shivananjappa

...Opponent/Defendant

(By- **Sri.BSR.**, Advocate for Plaintiff)

(By- **Sri.BM.**, Advocate for Defendant)

ORDERS ON I.A. No.II

The plaintiff has filed IA.No.II under Order 39 Rule 1 and 2 of Code of Civil Procedure seeking injunction against the defendant restraining him from causing interference with his possession and enjoyment over the suit schedule property till disposal of the suit.

2. The defendant has filed written statement and same has been adopted as objection to IA No.II.

3. Heard learned counsel for the plaintiff and defendant.

4. After perusal of the records of the case, following points would emerge for my consideration:

1. Whether the plaintiff has made out a prima-facie case?
2. Whether the balance of convenience is lies in favour of the plaintiff?
3. Whether the plaintiff would be put to untold hardship and irreparable loss if the temporary injunction is not granted?
4. What order?

5. My findings on the above points are as under:

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

6. **Point No.1 and 2:** I have taken these two points together for my common discussion as they are inter-linked with each other in order to avoid repetition of the same.

7. In an affidavit appended to the application, the plaintiff has contended that, the suit schedule property has been granted by the Tahasildar, Belur in the year 2003-04. Earlier to grant of the suit land, he was cultivating the suit land unauthorizedly and as such he has given an application to the Tahasildar Belur for grant of the suit schedule property. In Sy.No.52 there are 27 persons are cultivating unauthorizedly and all of them have given an application for grant of the land. The Tahasildar and ADLR, Belur have granted the property bearing Sy.No. 52. The ADLR, Belur has identified the land cultivated by the every cultivator and

prepared sketch and also prepared the list of cultivators. His name is entered in serial number 20 of cultivator list. The Tahasildar, Belur considering the application seeking for grant of land has granted the suit land on 22.11.2004 in the name of the plaintiff. After the grant of the suit land, as per MR No. 2/2003-04 the khatha of the suit land has been changed in the name of plaintiff. He also paid the fees to the government. Based on the khatha, the name of the plaintiff is entered in Column No.9 of the RTC of the suit schedule property. Since the date of grant, he is in possession and enjoyment over the suit schedule property. After the grant he has fenced around the suit land in order to protect the crops grown in the suit land. But, the defendant has forced him to handover the suit land which has been cultivated by him. The defendant has also threatened him to handover the possession of the suit land. As such, he has lodge a complaint to the Belur Police Station against the defendant. Hence, plaintiff prays to allow the IA No.II.

8. Per contra, the defendant has filed written statement and same has been adopted as objection to the IA No.II. In the

written statement, the defendant has denied the application averments in material aspects. The defendant has contended that, Sy.No.52 of Danayakanahalli Village consist of vast extent of land. He was originally belonged to Danayakanahalli Village and had lost his property for Yagachi Reservoir project. After he lost his land during the year 1980 has started cultivating 12 guntas of property in Sy.No.52. He is growing dry crops in the said property. Therefore, he has given an application to the Land Grant Committee for grant of land which is cultivated by him. The said application is still pending for consideration before the committee. It is further contended that, in the month of December 2025, the plaintiff came near the suit schedule property along with his men and attempted to dispossess him from the suit schedule property stating that the suit schedule property is standing in his name and attempted to assault him. It is contended that, with the support of neighboring land holders he did not allowed the plaintiff to enter upon his property. Thereafter he has approached Village Accountant and Revenue Inspector of Belur complaining about the delay in granting the land in his

favour. The Village Accountant and Revenue Inspector have visited the property and after inspection before the villagers they have come to the conclusion that he is in possession and enjoyment of suit land and as such, they have prepared report before the villagers stating that in block No.20 of Sy.No.52 the plaintiff is not in possession, but he is in possession of said property.

9. It is further contended that, the plaintiff is not in possession of the suit schedule property at any time. The plaintiff has colluding with the revenue officials created the documents in his favour. The plaintiff since 45 years never residing at Danayakanahalli Village. He is resident of Kadur Taluk, Chikkamagalur District and as such, question of he was in unauthorized occupation of suit schedule property and same is granted in his name are all false. The plaintiff after got creating the documents colluding with the revenue officials has filed this false suit against him. Hence, defendant prays to dismiss the IA No.II.

10. In view of rival contentions put forth by both the parties, now let me see whether the plaintiff has made out

prima-facie case and balance of convenience for grant of temporary injunction as prayed in I.A.No.II.

11. The plaintiff in support of his case, has produced grant certificate, list of cultivators, chellan, sketch, official memorandum, RTC bearing Sy.No.52 situated at Danayakanahalli Village, Kasaba Hobli, Belur Taluk, tax paid receipt, MR No.2/2004-05, copy of the complaint, endorsement issued by Belur Police Station, photos and CD. Further plaintiff has produced the copies of Electoral Card, bank pass books, agricultural pass book, RTC bearing Sy.No.25/9 situated at Hebbalu Village, Halebeedu Hobli, Belur Taluk, MR No.1/1993-94, Hakkupathra, acknowledgments, tax paid receipts, public notice and invitation.

12. On the contrary the defendant in support of his case, has produced Mahazar drawn by the Village Administrative Officer, Bantengahalli Circle and photos.

13. The plaintiff contended that, he was in unauthorized occupation of land bearing Sy.No. 52 measuring 12 guntas

and as such, he has given an application to the Tahasildar, Belur for regularization of his unauthorized occupation. There are 27 peoples were cultivating the property bearing Sy.No.52. The Tahasildar and ADLR, Belur after conducting spot inspection and confirming the possession of plaintiff and other cultivators have granted the suit land in favour of the plaintiff. Based on the said grant, as per MR No.2/2004-05, the khatha has been changed in the name of plaintiff. Accordingly, his name has been entered in the RTC of the suit schedule property. Since the date of grant till today he is in possession and enjoyment over the suit schedule property. When such being the case, the defendant without having no manner of right and interest over the suit schedule property is trying to interfere with his possession and enjoyment over the suit schedule property. The plaintiff in order to prove his title and possession over the suit schedule property has produced voluminous documents before the court. On going through the documents produced by the plaintiff it appears that, originally the property bearing Sy.No.52 is belongs to the government. The plaintiff along with as many as 27 persons

are cultivating the said survey number unauthorizedly. As such, the plaintiff and other cultivators have filed an application before the Tahasildar, Belur. The Tahasildar, Belur after conducting the spot inspection and confirming the possession of plaintiff and other cultivators has granted property. Accordingly, the Tahasildar, Belur has granted the suit land bearing Sy.No.52 measuring 12 guntas in favour of the plaintiff on 22.11.2004. The plaintiff in support of his contention has produced the grant certificate and list of cultivators of Sy.No.52. On going through the list of cultivators produced by the plaintiff it appears that, in Sl.No.20 the name of the plaintiff is entered as cultivator of the suit schedule property. The plaintiff at the time of getting the grant has also paid fees to the government. The Tahasildar, Belur has also issued official memorandum in favour of the plaintiff in respect of suit land. The defendant contended that, the plaintiff is not the resident of Danayakanahalli Village and he is resident of Kadur Taluk, Chikkamagalur District and as such, the question of grant and he is in unauthorized cultivation of suit land does not

arise at all. It is pertinent to note that, whether the plaintiff was resident of Danayakanahalli Village and he was cultivating the suit land unauthorizedly is purely a question which will be decided by the Land Grant Committee and this court cannot go to decide the eligibility of plaintiff for grant of the suit land. The said question has to be decided by the Land Grant Committee. In fact the Land Grant Committee after confirming the possession and eligibility criteria has granted the suit land in favour of the plaintiff. The documents produced by the plaintiff clearly disclose that, since the plaintiff was cultivating the suit land unauthorizedly, based on his application the Tahasildar, Belur after confirming the possession and preparing the sketch has granted the suit schedule property in favour of the plaintiff. Based on the said grant, as per MR No.2/2004-05, mutation has been mutated in the name of plaintiff in respect of suit schedule property. Based on the said mutation, the name of the plaintiff is entered in the RTC of the suit schedule property. The name of the plaintiff is also reflected in column No.9 and 12(2) of RTC of the suit schedule property. All the above said documents

are clearly discloses that, the plaintiff having acquired the suit land by way of grant is in possession and enjoyment over the suit schedule property.

14. The contention of the defendant is that, the plaintiff is not the resident of Danayakanahalli Village and he is not cultivating the suit land unauthorizedly. As such, the question of grant of suit land in favour of the plaintiff does not arise at all. Further, the defendant contended that, since 45 years he is cultivating the suit land and therefore, he has given an application to the Tahasildar, Belur for grant of suit land and his application is still pending for consideration. During the month of December 2025 the plaintiff obstruct for his possession over the said property and as such, he has approached the Revenue Inspector and Village Administrative Officer and they have conducted the spot inspection and prepared the Mahazar. In the Mahazar the Revenu Inspector and Village Administrative Officer have opined that, though the plaintiff has granted the suit land is not in possession over the suit land and defendant is in possession over the suit schedule property. The defendant in support of his contention

has produced the Mahazar drawn by the Village Administrative Officer and Revenue Inspector. On going through the Mahazar drawn in the presence of villagers of Danayakanahalli Village it appears that, though the suit land has been granted in the name of plaintiff, he is not in possession over the suit schedule property. But, the defendant is in possession over the suit schedule property. It is pertinent to note that, as per Sec.133 of Karnataka Land Revenue Act ***“The entries in the record of rights have got presumptive value regarding the possession of the person in any property”***. As per Karnataka Land Revenue Act the possession over any property can be confirmed only based on the entries in the record of rights. In the case on hand, the defendant contended that as per Mahazar of Village Administrative Officer and Revenue Inspector, the defendant is in possession over the suit land and plaintiff is not in possession over the suit schedule property. But, as per the Karnataka Land Revenue Act possession over any property has to be confirmed only based on the RTC of the property. As such, based on the Mahazar prepared by the Village

Administrative Officer and Revenue Inspector at this stage it cannot be held that the defendant is in possession over the suit schedule property. More weightage has to be given to the RTC to confirm the possession over the suit schedule property. As such, at this stage the plaintiff by producing the relevant documents has shown his possession over the suit schedule property. Therefore, the prima facie case and balance of convenience is lies in favour of plaintiff. As such, the plaintiff is entitled for discretionary relief of temporary injunction as prayed in IA No.II. **Hence, points No.1 and 2 are answered in the Affirmative.**

15. **Point No.3:-** On going through the documents produced by the plaintiff, it appears that, the plaintiff was cultivating the suit land unauthorizedly and as such, on the basis of the application given by the plaintiff, the Tahasildar, Belur has granted the suit land in favour of the plaintiff. By virtue of the said grant, as per MR No.2/2004-05, mutation has been mutated in the name of plaintiff in respect of suit schedule property. Based on the said mutation, the name of the plaintiff is entered in the RTC of the suit schedule

property. Accordingly, the name of the plaintiff is reflected in column No.9 of the suit schedule property. The plaintiff is in possession and enjoyment over the suit schedule property. The defendant contended that, he was cultivating the suit schedule property and as such, he has filed an application for grant of the suit land. But, his application is still pending for consideration. Though the defendant has taken said defence that, he has filed an application to the Tahasildar, Belur for grant of suit land has not produced any application given to the Tahasildar, Belur for grant of suit land before the court. In the absence of the same, the contention of the defendant that, he was cultivating the suit land and as such, he has given an application to the Tahasildar, Belur for grant of the suit schedule property cannot be accepted. If the defendant really filed an application to the Tahasildar, Belur for grant of suit land, definitely he could have produced copy of the application given to the Tahasildar, Belur. Further, the defendant contended that, since there is delay in granting the suit land he approached the Village Administrative Officer and Revenue Inspector and they have drawn the Mahazar in the

presence of villagers and in the said report it is written that, the defendant is in possession of the suit schedule property. On the contrary, the plaintiff produced the grant certificate, mutation and RTC of the suit land. The above said documents produced by the plaintiff clearly discloses that, the plaintiff having acquired the suit land by way of grant is in possession over the suit schedule property. More weightage has to be given to the revenue documents like grant certificate, mutation and RTC produced by the plaintiff. As per Sec.133 of Karnataka Land Revenue Act ***“The RTC has got presumptive value regarding the possession over the property”***. In the case on hand, as per the RTC furnished by the plaintiff, it appears that, his name is entered in column No.9 of RTC of the suit schedule property. Therefore, the plaintiff is in possession and enjoyment over the suit schedule property. The possession of the plaintiff is required to be protected. Otherwise, very purpose of filing of suit becomes infroctuos. Therefore, if the temporary injunction as prayed in IA No.II is not granted, plaintiff will be put to untold hardship. On the other hand, if the temporary injunction as prayed in IA

No.II is granted, no loss or injustice will be caused to the defendant. **Hence, Point No.3 is answered in the Affirmative.**

16. Point No.4: For the forgoing reasons and discussions made supra, I proceed to pass the following:

ORDER

IA No.II filed by the plaintiff under Order 39 Rule 1 and 2 of Code of Civil Procedure is hereby allowed.

The defendant and his men or any persons claiming under him are hereby restrained by way of temporary injunction from interfering with plaintiff's possession and enjoyment over the suit schedule property till disposal of the suit.

Under the facts and circumstances of the case, no order as to costs.

*(Dictated to the Stenographer, transcribed by her, transcription corrected by me and then pronounced in the open court on this, the **07th day of February 2026**)*

(Sri. Nagendra)
Civil Judge and JMFC., Belur.