

ORDERS ON I.A No.II

The plaintiff has filed an application under **Order 39 Rule 1 and 2 of CPC** as I.A.No.II seeking an ad-interim order of temporary injunction restraining the defendant No.1 to 4 from interfering with the peaceful possession and enjoyment of the suit schedule property till the disposal of the

suit by dispensing notice to the defendants in the interest of justice and equity.

2. In the affidavit filed in support of the said application, the plaintiff has averred that he has filed the present suit against the defendants for the relief of Declaration and Permanent injunction in respect of the suit schedule property and further to direct the defendants to issue notification of land acquisition to compensate and give compensation amount to the plaintiff. The plaintiff has stated that the defendants are in a hurry to survey the suit schedule property and harassing the plaintiff without giving him any compensation and are visiting the suit schedule often without informing the plaintiff and also around the Somapur Village.

3. The plaintiff has furnished record of rights, mutation register extract, attested copy of the adoption deed and other documents. The learned counsel for the plaintiff has argued that the plaintiff has issued a prior notice dated 23.06.2025 to the defendants and the plaintiff has also given a reply notice to the Assistant Commissioner, Savanur on 24.01.2025.

4. The learned counsel for the plaintiff has argued that the plaintiff is claiming his right over the suit schedule property on the basis of an adoption deed and the defendants are not following the procedure in respect of the notification. The defendant No.1 is the District Commissioner, Haveri, the defendant No.2 is the Assistant Commissioner, Haveri, the defendant No.3 is the Tahashildar, Hangal Taluk and the defendant No.4 is the PDO, Havangi who are the Public Officers.

It is pertinent to note that the defendant No.1 to 4 are Public Officers representing the Government. And already I.A.No.I filed by the plaintiff under Section 80 (2) of CPC dispensing statutory notice to the defendant No.1 to 4 is allowed and it was ordered to register as OS, looking to the emergent nature and urgency in the matter. But at this stage the plaintiff has not made prima facie case in respect of I.A.No.II filed under **Order 39 Rule 1 and 2 of CPC**, as it would be appropriate to hear the defendants before passing any orders on I.A.No.II. Accordingly, I proceed to pass the following:-

ORDER

Issue suit summons and emergent notice on
I.A.No.II to defendants returnable by
07.08.2025.

Civil Judge & JMFC,
Hangal.