

KAMS410003162023



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR**

PRESENT

Sri. Chandan S, B.Com., LL.B

Prl. Civil Judge & JMFC, Krishnarajanagara.

DATED 03RD DAY OF NOVEMBER 2025

O.S. No. 99/2023

Plaintiff :

Raja S/o Late. Shillaiah,
Aged about 45 years,
R/at Hosurukallahalli Village,
K.R.Nagar Taluk, Mysuru District.

(Rep. By Sri. M.S.V., Advocate)

V/s

Defendants:

1. The Principle Secretary,
M.S.Building, 3rd Floor,
3rd Gate, Ambedkar Veedhi,
Bengaluru Karnataka – 560001.
2. The Chief Executive Officer,
Zilla Panchayath, Mysuru -570004,
3. The Executive Officer,
Grama Panchayathi,
K.R.Nagar Taluk, Mysuru District.
4. The Panchayath Development Officer,
Kaggere Grama Panchayathi,
K.R.Nagar Taluk, Mysuru District.

(D1 AGP)

(D2 to D4 Rep. By Sri. T.G., Advocate)

ORDERS ON PRELIMINARY ISSUE NO.3

The present issue has been framed and recorded in view of the contentions raised by the defendants in paragraph No.9 of their written statement, wherein they have specifically urged that the suit filed by the plaintiff is devoid of cause of action, misconceived, and not maintainable in law.

1. Whether the suit is not maintainable for want of proper cause of action as contended in the para No.9 of the written statement?

2. The present suit has been instituted by the plaintiff against the defendants seeking the relief of permanent injunction to restrain the defendants, their agents, or servants from causing any interference with the plaintiff's peaceful possession and enjoyment of the suit schedule property until the disposal of the suit.

3. According to the plaintiff, he is the absolute owner and in lawful possession and enjoyment of the suit schedule property. It is contended that Form No.11B has been issued in his favour, and that he has been regularly remitting the revenue, taxes, tolls, and other statutory charges to the concerned government and local authorities. The plaintiff further contends that certain villagers of Hosuru Kallahalli have made false complaints against him, based on which the fourth defendant PDO issued legal notices calling upon the plaintiff to produce documents relating to the property. The plaintiff

states that he duly furnished all the required documents, yet the 4th defendant, allegedly under the influence of the said villagers, continued to issue repeated notices, thereby causing unnecessary harassment, disturbance, and interference with his peaceful possession.

4. It is on these allegations that, the plaintiff claims the cause of action for the present suit arose on 16.01.2023, the date on which the 4th defendant issued one such notice to him. The defendants, on the other hand, in their written statement, have denied all material allegations and have contended inter alia that the suit is devoid of cause of action, and therefore not maintainable. In paragraph No.9 of the written statement, it has been specifically contended that the plaint does not disclose any valid cause of action and, hence the suit is liable to be dismissed.

5. It is a well-settled proposition of law that, for the purpose of deciding whether the plaint discloses a cause of action, only the averments made in the plaint are to be taken into consideration. The court should not at this stage refer to the defence or the contentions raised in the written statement.

6. Upon perusal of the pleadings in the plaint, it is evident that the plaintiff has specifically stated that he is the owner and in possession of the suit schedule property, that Form No. 11B stands in his name, and that he has been regularly paying

revenue and taxes. It is also specifically pleaded that the fourth defendant, acting upon false complaints of villagers, issued repeated notices which, according to the plaintiff, constitute unlawful interference with his possession. The plaint further discloses that the cause of action arose on 16.01.2023 when the said notice was issued.

7. These averments, if taken at their face value, clearly disclose a bundle of facts constituting a cause of action for the plaintiff to seek the relief of injunction. Whether such interference actually occurred or not is a matter to be established by the parties during trial through evidence. At this preliminary stage, without affording an opportunity to the parties to lead evidence, it would be premature for this Court to hold that the plaint is devoid of cause of action. Hence, it cannot be said that the suit is not maintainable for want of cause of action. Hence, the additional issue framed by this court is answered in the **Negative** and court proceeds to pass the following:

ORDER

Issue No. 3 is answered in the Negative.

The suit is maintainable as the plaint discloses a valid cause of action.

The parties are directed to lead their respective evidence on the remaining issues in due course.

(Dictated to the Stenographer transcribed by her, revised, corrected, signed and then pronounced by me in the open Court on this the 03rd day of November 2025)

(Chandan.S)
Prl. Civil Judge and JMFC,
K.R.Nagara.