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IN THE COURT OF PRL CIVIL JUDGE AND JMFC., AT YADGIRI

PRESENT

Sri. Arun Chougule,

B.A.LL.B.[Hons.]

PRL. CIVIL JUDGE AND J.M.F.C, YADGIRI

DATED THIS THE 24th DAY OF NOVEMBER-2025

ORIGINAL SUIT NO.201/2024

PLAINTIFF/S:-	Sabanna S/o Ramanna, Aged about: 65 years, Occ: Agriculture, R/o: Hattikuni village, Tq: & Dist: Yadgiri.
	(By Sri. D.M Advocate)
-V/S-	
<u>DEFENDANT/S:-</u>	1. The State of Karnataka, by its Principal Secretary, Department of Revenue Vidhana Soudha, Bengaluru. 2. The Deputy Commissioner, Yadgiri. 3. The Assistant Commissioner, Yadgiri. 4. The Chief Engineer Department of Minor and Major Irrigation, Kalaburagi. 5. The Special Land Acquisition Officer at Kalaburagi. 6. The Tahasildar Yadgiri. 7. The Joint Director of the Horticulture office at Hattikuni.
	(D-1 to 7 By learned ADGP)

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ORDER ON I.A.No.2

Applicants/ plaintiff/s: Sabanna S/o Ramanna,

-V/S-

Opponents/ defendant/s: The State of Karnataka, and Others.

i.	<i>Provision under which the application is filed</i>	<i>Under Order 39 Rule 1 and 2 of CPC</i>
ii.	<i>Relief sought for</i>	<i>Temporary Injunction</i>
iii	<i>The date on which the application is filed</i>	<i>29-07-2024</i>
iv.	<i>Number of the application</i>	<i>IA NO.II</i>
v.	<i>The date on which the objections are filed by different opponents</i>	<i>02.04.2025</i>
vi.	<i>The date on which the orders were passed on the said application.</i>	<i>24-11-2025</i>

**ORDER ON I.A.NO.II FILED BY THE PLAINTIFF
UNDER ORDER XXXIX RULE 1 AND 2 OF CPC**

The plaintiff has filed the present application under Order 39 Rule 1 and 2 of CPC seeking to restrain the defendants from interfering with his possession over the suit lands, till disposal of the suit.

2. The plaintiff has sworn to an affidavit in support of the application stating that he is the absolute owner and in possession of the suit lands bearing Sy.No.170/2 measuring 01 acre 36 guntas and Sy.No.170/6 measuring 01 acre 36 guntas

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both situated at Hattikuni village of Yadgiri Taluk and District. That, from 1978-79 to 1982-83, the records of the suit lands were standing in the plaintiff's name. However, thereafter, the defendant No.7 Joint Director of Horticulture Department has got entered his name to the records of suit land without there being any title document such as sale gift etc. That, the Government has neither acquired the suit lands nor awarded compensation to the plaintiff. However, the defendant No.7 taking undue advantage of his name appearing in the records of suit lands is trying to dispossess the plaintiff from the suit land. As such, the plaintiff filed writ petition No.230272/2023 and Hon'ble High Court directed the plaintiff to approach competent Civil Court. Hence, the plaintiff filed the present suit.

3. The defendants having appeared through learned ADGP filed written statement of defendant No.7 along with memo adopting the same as objections to present application.

4. Thereafter, I have heard arguments of learned counsel for the plaintiff and learned ADGP for the defendants and perused the records.

5. After hearing the arguments and perusal of pleading and records, the following points arise for my consideration;

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1. Whether the plaintiff has made out a prima-facie case?
2. Whether balance of convenience lies in favour of plaintiff?
3. Whether irreparable loss will be caused to the plaintiff if the temporary injunction as prayed is not granted?
4. What order?

6. My findings on the above points are as under;

Point No.1 : In the Negative.

Point No.2 : Does not survive for consideration.

Point No.3 : Does not survive for consideration.

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

REASONS

7. **POINT NO.1** : The plaintiff filed the present suit seeking the following reliefs:

1. The suit of the plaintiff be allowed.
2. It is to be declare that the act of defendants are illegal and without any authority.
3. The Hon'ble Court may direct to defendant deleting the D.No.7 correction my be made in ROR suit property name is entered by the defendant No.7, by the defendants in the suit land.
4. The defendants may temporary restrain to interfere or enter over the suit property till disposal of case.
5. Any other relief entitle which the Court found just and proper pass order.
6. Cost of the suit be awarded.

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8. The plaintiff claims to be the owner and in possession of the suit lands bearing Sy.No.170/2 and 170/6 each measuring 01 acre 36 guntas both situated at Hattikuni village of Yadgiri Taluk and District. That, name of the plaintiff was appearing in the records of suit lands from 1973-74 to 1982-83. The plaintiff alleges that, thereafter, name of defendant No.7 Department of Horticulture, Hattikuni came entered in the records of suit land without there being any title document such as sale, gift etc. The plaintiff further states that the Government has neither acquired the suit lands nor awarded any compensation. However, the defendant No.7 taking undue advantage of his name appearing in the records of suit lands is trying to dispossess the plaintiff therefrom.

9. The defendants have filed written statement of defendant No.7 denying entire case of the plaintiff contending that the earstwhile Mysore Government had acquired 32 acres 22 guntas of land including the suit lands for construction of Hattikuni Dam in the year 1966-67. The Government has paid compensation to the concerned land owners in the year 1966-67. The notification pertaining to the acquisition of said lands bearing No.RD1250, LPW66 dated 15.09.1966 was published in the gazette. Thereafter, the Government constructed the

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Hattikuni Dam and the land remaining in front of the dam was allotted to the Department of Horticulture. Accordingly, several posts were sanctioned in the year 1972 and the defendant No.7 Department of Horticulture, Hattikuni has grown Mango trees which are now aged about 42 to 45 years and they have also set up ventilated polly house measuring 560 Sq meters and a shed house of 360 Sq meters for nursery works. That, the defendant No.7 is in possession and enjoyment of said lands since the date of establishment of department of horticulture. It is contended that though the Government acquired the suit lands long back, names of original owners were appearing in the records. As such, the defendant No.7 got entered his name to the records of said properties based on acquisition proceedings. However, the plaintiff taking advantage of previous revenue entries has filed present false suit. That, the present suit for bare injunction is not maintainable without seeking the relief of possession as the defendant No.7 is in possession of the suit lands. That, since the property was acquired by the Government in the year 1966-67 and name of defendant No.7 is appearing in the records since long back, the suit is liable to be dismissed as barred by limitation. That, thought there was no urgent or immediate relief, the plaintiff has filed the suit by misleading the Court. On these grounds, the defendants sought to dismiss the suit.

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10. The plaintiff has produced handwritten and computerized RTCs pertaining to the suit lands and certified copy of order dated 13.10.2023 passed by Hon'ble High Court of Karnataka, Kalaburagi Bench in WP No.202892/2023. On the other hand, the defendants have produced certified copies of documents pertaining to acquisition of lands by the Government of Mysore under notification No.RD1250, LPW66, dated 15.09.1966.

11. On perusal of documents produced by the parties it can be seen that the Government of Mysore had issued notification dated 15.09.1966 acquiring 32 acres 22 guntas of land of Hattikuni village including the suit lands herein bearing Sy.No.170/2 and 170/6. As per the said notification, the suit land Sy.No.170/2 then belonged to one Ramanna S/o Bhimsha and Sy.No.170/6 belonged to one Sharanappa S/o Balappa.

12. As already noted above, as per the notification of the government the suit lands were acquired in the year 1966-67. However, the plaintiff has not chosen to produce RTCs of the suit land for the year 1966-67. Further, though RTCs pertaining to 1973 to 1983-84 show that name of the plaintiff and his father were appearing in column No.9, it can be seen that, name

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of defendant No.7 horticulture department was appearing in column No.13 even during the period between 1978-79 to 1988-89. Thereafter, name of defendant No.7 came to be entered even in column No.9 of the RTC by deleting name of the plaintiff.

13. The above documents suggest that the suit lands were acquired by the Government in the year 1966-67 and compensation was paid to the owners thereof. However, names of the plaintiff and his father were appearing in column No.9 of RTCs till 1987-88 while name of defendant No.7 was appearing in column No.13. Thereafter, in the year 1987-88, name of the plaintiff and his father were deleted and name of defendant No.7 was entered even in column No.9 of the RTCs. These documents clearly show that the suit lands were acquired by the Government of Karnataka about 7 decades back and the defendant No.7 is in possession of the same since more than 4 decades. However, the plaintiff has come up with present suit on the basis of entries in the RTCs pertaining to the year 1972-73 to 1982-83. There is no material on record, at this stage, to show that the plaintiff is in possession of the suit lands even till today. As such, this Court is of the opinion that the plaintiff has failed to make out a *prima facie* case in his favor. Hence, point No.1 is answered in the Negative.

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14. **POINTS NO.2 AND 3:-** This Court has come to the conclusion that, the plaintiff has failed to prove that he has got a *prima facie* case in his favour. As such, questions of irreparable loss and balance of convenience do not survive for consideration. Hence, points under consideration are answered accordingly.

15. **POINT NO.4:** In view of the above discussion, the following:-

ORDER

I.A.No.2 filed by the plaintiff under
Order XXXIX Rule 1 and 2 of CPC is
hereby dismissed with costs.

(Dictated to the stenographer, transcribed and typed by him and after corrections, pronounced in the Open Court on this the **24th day of November-2025**)

(ARUN COUGULE)
PRL.CIVIL JUDGE AND JMFC
YADGIRI.