



**IN THE COURT OF THE CIVIL JUDGE & JMFC,
AT TURUVEKERE**

Present:- DEEPU B.C., B.A.L., LL.B.,
Civil Judge & JMFC,
Turuvekere.

Dated this the 04th day of August 2026
O.S. No.588/2025

Plaintiff/s :- Nanjappa S/o
Late.Chikkannagowda,
Aged about 81 years,
R/o Ayerahalli Village,
D.Kalkere Post, Dandinashivara
Hobli, Turuvekere Taluk,
Mob: 9611890455.

(By Sri. T.T.S. Adv.)

V/s

Defendant/s:- 1. Umesh A.B. S/o Boregowda
@ Mariyanna,
Aged about 43 years.

2. Girish A.T. S/o
Late.Thimmappa Gowda
@ Thimmegowda,
Aged about 33 years.

3. Gowtham S/o
Narayanaswamy,
Aged about 30 years.



4. Keshava S/o Chandregowda,
Aged about 34 years.

5. Revanna S/o Hanumegowda,
Aged about 70 years.

6. Nagaraju A.B. S/o Boregowda,
Aged about 37 years.

7. Manjunath A.M.
S/o Marirangaiah,
Aged about 36 years.

8. Naveena @ Naveenkumar,
S/o Mudalagirigowda,
Aged about 30 years.

9. Siddegowda S/o
Late.Gangaiah,
Aged about 53 years.

All are R/o Ayerahalli Village,
D.Kallakere Post, Dandinashivara
Hobli, Turuvekere Taluk,
Tumakuru District.
Not available.

(By Sri. A.N.D. Adv.,)

PARTIES TO I.A. No.1

Applicant/s : Nanjappa Plaintiff

-V/s-

Opponent/s : Umesh A.B and others
Defendants



Provision under the application	Under order 39 Rule 1 & 2 of CPC.
Application Relief sought for	Restraining the defendants or their servants, or their agents, or anybody acting on their behalf in any way from interfering into plaintiff's possession and enjoyment of the suit schedule property.
The date of the application is filed	04-12-2025
Interlocutory Application Number	1
Date of objection filed by the defendants	06-03-2026
Date of order passed	04-08-2026

ORDERS ON I.A.No.1

The I.A. No.1 is filed by the plaintiff U/o. XXXIX Rule 1 and 2 of C.P.C, seeking an order of ad-interim temporary injunction against defendants, restraining the defendants or anybody else on their behalf from interfering with the plaintiff's possession and enjoyment of the suit schedule property till pending disposal of the suit.

2. In support of the application, affidavit is filed, wherein, the plaintiff has sworn to fact that he is an



absolute owner and in possession and enjoyment of the suit schedule property having acquired the same under the grant by the Tahsildar Turuvekere. Accordingly, the katha and pahani mutated into his name under MR No.H5/2014-15 dated 19-12-2014 and all the documents stands in his name and he has paid tax to the Government. Further, he has invested money for developing the suit property by growing Ragi and Avare and also planting coconut trees by digging bore well and also constructed pump house and sheet roofed shed in the suit property. The defendants being the strangers to the suit property, without having any manner of right, title and possession, they are trying to interfere with his possession and enjoyment of the suit schedule property. No harm or injustice would be caused to other side by allowing this application. On the other hand, grave injustice would be caused to him if this application is not allowed. Accordingly, he prayed to allow the application.

3. On the other hand, the defendant No.1 has filed an objection on 06-03-2026 by denying entire averments made in the affidavit annexed to the application and



contended that the suit property is a Government Gomal land and suit survey number 37 is totally measuring 34 acre 9 guntas and out of which, 5 acre of land reserved for Katte for the purpose of public utilization and in the Katte, the cattle are drinking the water. But the plaintiff has got katha and pahani to an extent of 1 acre 15 guntas out of 5 acre of land which is reserved for Katte. Hence, the public including the defendants have given representation to the Tahsildar and Deputy Commissioner to cancel the said grant. Hence, the Tahsildar Turuvekere has registered Sumoto case in LND 90/2025 and prayed the Assistant Commissioner Tiptur to cancel the said grant. Further, the plaintiff has already got granted more than 10 acre of land in the same survey number in the name of his wife and his children. The plaintiff's wife is an Ex-member of Vadavanaghatta Grama Panchayath who involved in several scam including development of Katte. So the public have filed complaint against the plaintiff's wife. Though the suit property is granted to the plaintiff, the plaintiff is not at all in possession and enjoyment thereof as there is a Katte in the suit property. Only in order to



avoid the general public to use the said Katte, the plaintiff has come up with this false suit. No harm or injustice would be caused to other side by rejecting this application. On the other hand, grave injustice would be caused to the defendants and it cannot be compensated by terms of money if this application is allowed. Accordingly, he prayed to dismiss the application.

4. Heard the arguments on both sides and perused the materials on record.

5. The points that arise for consideration of this court are as under:

1. Whether the plaintiff has made out prima-facie case?
2. Whether the balance of convenience lies in favor of plaintiff?
3. Whether the plaintiff is suffers irreparable loss and injury if the T.I. is refused?
4. What Order?

6. Based on the materials placed on record, this court answers 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 ::

7. Point No 1 to 3 :- As these points are interconnected with each other, they are taken together for common discussion in order to avoid repetition of facts and circumstances.

8. As could be seen from the record, the instant suit has been filed by the plaintiff against the defendants for the relief of prohibitory permanent injunction, restraining the defendants from interfering with the plaintiff's possession and enjoyment of the suit schedule property bearing old Sy.No.37 and new Sy.No.73 measuring 1 acre 15 guntas. Along with the suit, the plaintiff has maintained I.A No.1 under order 39 Rule 1 and 2 CPC. In pursuance to the said I.A No.1, an emergent notice and suit summons has been issued to the defendants. In response to the same, the defendants have appeared through their counsel and filed their written statement along an objection to I.A.No.1.



9. As could be seen from the rival contentions of the both the parties, it prima facie admitted facts that the suit schedule property originally belonged to Government Gomal land and same has been granted in favour of plaintiff. But the crux of the dispute between the parties is that according to the plaintiff, he is in possession and enjoyment of the suit schedule property, but without having any manner of right, title and possession, the defendants have caused interference to his possession. On the other hand, according to the defendants, 5 acre of land in suit Sy.No.37 is reserved for Katte for the purpose of public use and out of which, the plaintiff has got changed the katha and pahani in respect of 1 acre 15 guntas, but he is not in possession and enjoyment of the said property. Hence, the defendant and other public have given representation to the Tahsildar to cancel the grant made in favour of plaintiff and the Tahsildar has filed a requisition to the Assistant Commissioner to cancel the grant made in favour of plaintiff. Only in order to avoid the general public to use the Katte, the plaintiff has come up with this false suit.



10. On careful perusal of the list of documents placed by the plaintiff, it prima facie appears that the suit schedule property measuring 1 acre 15 guntas of land in old Sy.No.37 has been granted in favour of plaintiff under LNDSR No.82/91-92 dated 30-09-1999 by the Tahsildar Turuvekere and Saguvali chit has been issued in his favour on 06-07-2000. In pursuance to the said grant, the katha of suit property got mutated into the name of plaintiff under MR No.1/2000-01. Accordingly, plaintiff's name finds a place in column No.9 in the RTC Extract, but subsequently, said old Sy.No.37 was given New Sy.No.73 and now the katha of suit schedule property in new Sy.No.73 stands in the name of plaintiff. Further, as per the copy of report submitted by the revenue inspector of Dandinashivara Hobli, it prima facie appears that there is no existence of Katte in the 1 acre 15 guntas of land in Sy.No.73 i.e., suit schedule property herein and it is abutting towards the western side of suit schedule property. Out of 1 acre 15 guntas of land, the plaintiff is in possession of 1 acre 5 guntas and he has left 10 guntas of land for Katte and he has undertaken to not to obstruct to the public to make use of said Katte.



11. Further, on perusal of the list of documents placed by the defendants, it prima facie appears that the Tahsildar Turuvekere has filed a requisition to the Assistant Commissioner Tiptur on 10-06-2025 by praying to cancel the grant of 1 acre 15 guntas of land in Sy.No.73 i.e., suit schedule property of the plaintiff and same is taken to the Government for the purpose of Gokatte. But there is no piece of document as to action taken by the Assistant Commissioner in pursuance to the requisition filed the Tahsildar.

12. It is pertinent to note that it is prima facie undisputed fact that the suit schedule property has been granted in favour of plaintiff during the year 1999 and all the revenue records are stands in his name. Further, the defendants and other general public have made a complaint against the plaintiff before the Tahsildar to cancel the grant since the suit property is reserved for Katte and in this regard the Tahsildar has filed a requisition to the Assistant Commissioner Tiptur for necessary action, but there is no document on record to show that the Assistant Commissioner has taken



necessary action against the plaintiff by cancelling the grant of suit schedule property. So under these circumstances, it would infer that the grant of suit proeprty in favour of the plaintiff is still in force. So under these circumstances, until the necessary action taken by the Government as to be cancelation of grant of suit schedule property and taken the suit property by the Government, the defendants do not have any right to cause any obstruction to the plaintiff. Hence, it would required to restrain the defendants from interfering with the plaintiff's possession and enjoyment of the suit property.

13. On assessing of entire materials placed by both the parties, without prejudice to the merits of the case, this court is of opinion that the plaintiff has a prima facie case and balance of convenience rather than the defendants. If an order of temporary injunction is not granted in favour of the plaintiff, he may be put irreparable loss and injury and the purpose of the suit will be defeated. On the other hand, no injury or loss would caused to the defendants. However, it makes clear



that an order of this court has no where preclude the Government authority to take necessary action against the plaintiff in respect of suit schedule property in accordance with the law. Thus, point No.1 to 3 are answered in the '**Affirmative**'.

14. Point No. 4 : In the light of above discussion, this court proceeds to pass the following:

:: ORDER ::

I.A.No.1 filed by the plaintiff under order XXXIX Rule 1 and 2 of C.P.C. is hereby Allowed.

The defendants are hereby temporarily restrained from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property till pending disposal of the suit.

No order as to costs.

(Dictated to the steno, transcribed and typed by her, corrected signed & then pronounced by me in the open Court on this **04th day of August 2026.**)

(DEEPU B.C.)
Civil Judge and JMFC,
Turuvekere.