



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

REGULAR FIRST APPEAL NO. 582 OF 2012 (INJ)

C/W

REGULAR FIRST APPEAL NO. 588 OF 2012 (INJ)

IN RFA No. 582/2012

BETWEEN:

1. THE KARNATAKA MILK CO-OPERATIVE
FEDERATION LIMITED
HAVING ITS OFFICE AT KMF COMPLEX,
DR.M.N.MARIGOWDA ROAD,
D.R.COLLEGE POST,
BANGALORE-560 029
REP. BY ITS JOINT DIRECTOR HOLDING
ADDITIONAL CHARGE
SHRI. V. RAJESWARA

...APPELLANT

(BY SRI. PRADEEP R.H., ADVOCATE FOR

SRI. SHANMUKHAPPA, ADVOCATE)

AND:

1. SRI K JAYARAM
S/O SRI V KRISHNA
AGED ABOUT 62 YEARS,
R/A NO.15/13, 5TH MAIN,
SRIKANTESWARA NAGAR,





BANGALORE-560096

2. SRI K SUBRAMANIAM
S/O K KALIYAPPA GOWNDAR
AGED ABOUT 57 YEARS,
R/A NO.18, SREE RAMA IST MAIN,
7TH CROSS JUNCTION,
U.A.S LAYOUT, NAGASHETTYHALLI,
BANGALORE - 560 094
3. SRI K KANDASWAMY
S/O N KANDASWAMY GOUNDAR
AGED ABOUT 51 YEARS,
R/A 18, SREE RAMA,
IST MAIN, 7TH CROSS JUNCTION,
U.A.S LAYOUT,NAGASHETTYHALLI,
BANGALORE-560094
4. SRI R RAJENDRAN
S/O K KALIYAPPA GOUNDAR
AGED ABOUT 51 YEARS,
R/A 18, SREE RAMA, IST MAIN,
7TH CROSS JUNCTION,
U.A.S LAYOUT,NAGASHETTYHALLI,
BANGALORE-560094
5. SMT C P YASHODAMMA
W/O SRI R VENKATESHA
AGED ABOUT 56 YEARS,
R/A NO.686, 4TH A CROSS,
10TH MAIN, 4TH BLOCK,
KORAMANGALA,
BANGALORE - 560 090



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6. SMT R KAMALAMMA
W/O RAGHAVENDRA RAJU
AGED ABOUT 48 YEARS,
NO.1095, 11TH MAIN ROAD,
6TH CROSS, DHOBIGAT,
VYALIKAVAL,
BANGALORE-560003
7. SRI D SREENIVASA REDDY
S/O MELAKONDA REDDY
AGED ABOUT 65 YEARS,
R/A NO.916, SAPTAGIRI,
MATHIKERE EXTENSION,
BANGALORE-560054

...RESPONDENTS

(BY SRI. K.S. HARISH, ADVOCATE FOR
SRI. P M VASUDEV, ADVOCATE FOR R1 TO R6
R7 SERVED AND UNREPRESENTED)

THIS RFA IS FILED U/S.96 OF CPC, AGAINST THE
JUDGMENT AND DECREE DATED 06.01.2012 PASSED IN
O.S.NO.8520/1997 ON THE FILE OF THE XXVII-ADDL. CITY
CIVIL JUDGE, BANGALORE, DECREETING THE SUIT FOR
PERMANENT INJUNCTION.

IN RFA NO. 588/2012

BETWEEN:

1. THE KARNATAKA MILK CO-OPERATIVE
FEDERATION LIMITED
HAVING ITS OFFICE AT KMF COMPLEX,



NC: 2026:KHC:12985
RFA No. 582 of 2012
C/W RFA No. 588 of 2012

DR.M.N.MARIGOWDA ROAD,
D R COLLEGE POST,
BANGALORE 560 029,
REPRESENTED BY ITS ADDITIONAL DIRECTOR (ADM)
SHRI. V. RAJESHWAR

...APPELLANT

(BY SRI. PRADEEP H.S., ADVOCATE FOR
SRI. SHANMUKHAPPA, ADVOCATE)

AND:

1. SRI J K VIJAYAPRAKSH
AGED 65 YEARS
S/O J KRISHNA IYER
R/O NO.1626, NAGAPPA BLOCK,
SRIRANPURAM, BANGALORE 560 002
2. SRI G RANGASWAMY
AGED 75 YEARS
S/O LATE R GANAPATHY
R/O AT NO.7, G-15 STREET,
ULSOOR, BANGALORE 560 008
3. SMT R VANITHA MANI
AGED 65 YEARS
W/O SRI G RANGASWAMY
R/AT NO.7, G-15 STREET,
ULSOOR,
BANGALORE 560 008
4. SMT SUMITHRA SRINIVAS
AGED 54 YEARS
W/O SRI SREENIVAS



REPRESENTED BY GENERAL POWER OF ATTORNEY
HOLDER MR A SRINIVASA MURTHY
AGED 29 YEARS,
S/O SRI M ANJANAPPA
R/AT N.161, 1ST CROSS,
UAS LAYOUT, SANJAYANAGAR POST,
BANGALORE - 560094

5. MASTER KARTHIK KUMAR
S/O C S KUMAR
AGED 32 YEARS ,
REPRESENTED BY HIS GRAND-FATHER
AND NATURAL GUARDIAN
SRI P B SRINIVAS
S/O P BALASUBRAMANIAM
R/O NO.537, 4TH CROSS,
HMT LAYOUT,
GANGANAGAR,
BANGALORE 560032
6. SMT R NAGALAKSHMI
AGED 52 YEARS
D/O SRI S RAMAIAH
R/O NO.5, 8TH CROSS,
SWIMMING POOL EXTENSION
MALLESWARAM,
BANGALORE 560003
7. SRI G S RAVISHANKAR
AGED 57 YEARS
S/O SRI G SESHAPPA
R/O NO.5, 8TH CROSS,
SWIMMING POOL EXTENSION
MALLESWARAM,
BANGALORE 560003



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8. SRI VISHWANATHAN
AGED 58 YEARS
S/O SRI V V CHALLAM
SWAGATHAM
162, BINNI CROSS ROAD,
BENSON TOWN,
BANGALORE 560045
9. SRI M K SUDHAKAR
AGED 62 YEARS
S/O LATE M KRISHNAMURTHY
R/AT C/O R R SANITATION
NO.1, BYRAPPA LAYOUT,
BOOPASANDRA ROAD,
NAGASHETTY HALLI,
BANGALORE - 560 094

...RESPONDENTS

(BY SRI. K.S. HARISH, ADVOCATE FOR

SRI. P M VASUDEV & CO., ADVOCATE FOR R1-R9)

THIS RFA IS FILED U/SEC.96 OF CPC, AGAINST THE
JUDGMENT AND DECREE DATED 06.01.2012 PASSED IN
O.S.8894/1997 ON THE FILE OF THE XXVII-ADDL. CITY
CIVIL JUDGE, BANGALORE, DECREETING THE SUIT FOR
PERMANENT INJUNCTION.

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL JUDGMENT

The captioned appeals are by the Karnataka Milk Co-Operative Federation Limited/defendant assailing the decree for injunction granted by the Court below in O.S.No.8520/1997 and O.S.No.8894/1997. Appeal in RFA.No.582/2012 is filed questioning the judgment and decree rendered in O.S.No.8520/1997 and RFA.No.588/2012 is filed questioning the judgment and decree rendered in O.S.No.8894/1997.

2. For the sake of brevity, the parties are referred to as per their ranking before the Trial Court.

3. Facts leading to the case are as under:

The plaintiffs, who are purchasers of individual sites carved out in the suit survey numbers, instituted separate suits seeking the relief of permanent injunction against the defendant-Society. It is their specific case that they have acquired valid right, title and interest under registered sale deeds executed by the erstwhile owners and, pursuant thereto, are in lawful and peaceful possession of their



respective sites. Alleging high-handed interference by the defendant-Society, they sought protection of their possession. Seven site owners have filed the present batch of suits, while in the connected appeal, nine similarly placed site owners are before this Court.

4. The defendant-Society entered appearance and filed written statements stoutly contesting the claim. It is contended that the very survey numbers in which the suit sites are formed were subjected to acquisition under preliminary notification dated 15.01.1978 and final notification dated 09.03.1978; awards were thereafter passed on different dates and possession was taken by the acquiring authority. On the premise that the acquisition proceedings have attained finality, the defendant asserts that the original landowners stood divested of their title and, consequently, the plaintiffs, claiming under them, cannot assert any independent right. It is further contended that in respect of similar sites formed in the very same survey numbers, suits have already been



dismissed holding that the land vested in the State/Society by virtue of acquisition. Therefore, according to the defendant, the plaintiffs have suppressed material facts and have not approached the Court with clean hands. The defendant reiterates that possession was taken pursuant to the award and the lands vested absolutely in the State, free from all encumbrances.

5. On the basis of the rival pleadings, the Trial Court framed issues and afforded opportunity to both sides to adduce oral and documentary evidence. The plaintiffs relied upon their sale deeds and revenue records to establish possession, whereas the defendant placed heavy reliance on the preliminary and final notifications, awards and related acquisition records. Upon appreciation of the evidence, the Trial Court came to the conclusion that the plaintiffs have established their possession as on the date of suit and, accordingly, decreed the suits granting permanent injunction restraining the defendant from interfering with such possession. However, while granting



the said relief, the Trial Court clarified that the defendant is at liberty to take possession in accordance with law, subject to the result of the pending proceedings in W.A.No.4829/2010 arising out of W.P.No.19526/2002.

6. At the stage of hearing of the present appeals, learned counsel for the defendant-Society has produced, along with a memo, a copy of the judgment rendered by the Division Bench in W.A.No.4829/2010 arising out of W.P.No.19526/2002. Placing reliance on the said judgment, he contends that the acquisition proceedings have been upheld and that persons in occupation subsequent to acquisition cannot claim any independent right. According to him, the plaintiffs are in unauthorised occupation of acquired land. He submits that, in view of the clarification already granted by the Trial Court while decreeing the suits, these appeals may be disposed of by reserving liberty to the defendant to recover possession strictly in accordance with law and in terms of the observations made by the Division Bench.



7. Per contra, learned counsel appearing for the plaintiffs, while also relying on the very same judgment of the Division Bench, would submit that the plaintiffs had sought impleadment in the writ proceedings and that their independent rights, if any, are preserved for adjudication in appropriate proceedings. It is contended that the decree of injunction, which is essentially based on settled possession as on the date of suit, does not call for interference and that the defendant must necessarily work out its remedies in accordance with law, without resorting to extra-legal measures.

8. In light of the rival submissions and the subsequent development by way of the Division Bench judgment, the following points arise for consideration:

(i) Whether the judgment and decree passed by the Trial Court granting limited protection of possessory rights in favour of the plaintiffs call for interference in these appeals?



(ii) Whether, in view of the judgment rendered by the Division Bench in W.A.No.4829/2010 connected with W.P.No.19526/2002, the defendant-Society is required to be relegated to recover possession, if so advised, only in the manner known to law?

(iii) What order?

Findings on points No.(i) and (ii):

9. Learned counsel for the plaintiffs would contend that, in the event the defendant-Society initiates proceedings to recover possession, all contentions of the plaintiffs touching upon title, identity of property and validity of acquisition should be expressly kept open. This Court is not inclined to accede to the said submission in its entirety. The Division Bench, while adverting to the pendency of the appeals and the impleading applications, has already observed that the plaintiffs are entitled to protect their possessory rights to a limited extent and granted liberty to the impleading applicants to work out



their remedies in accordance with law. The scope of protection, therefore, stands circumscribed by the observations made in the writ appeals.

10. Now that the acquisition proceedings have been upheld by the Division Bench and the defendant-Co-operative Society asserts that the plaintiffs are in unauthorised occupation post-acquisition, nothing further survives for adjudication in these appeals insofar as the limited decree of injunction is concerned. The Trial Court itself has granted only a qualified injunction, reserving liberty to the defendant to take possession in accordance with law. In that view of the matter, once the acquisition has attained finality and the defendant expresses its intention to recover possession strictly by following due process, the proper course would be to dispose of these appeals by reiterating such liberty. Accordingly, Point No.(i) is answered in **"Negative"** and point No.(ii) is answered in the **"Affirmative"**.



Finding on Point No.(iii):

11. In view of the above discussion, the following order is passed:

ORDER

- i. The appeals are disposed of, reserving liberty to the defendant-Society to initiate appropriate proceedings and seek recovery of possession strictly in accordance with law.
- ii. In the event the defendant initiates action for recovery of possession, it is open to the plaintiffs to demonstrate, before the competent forum, that their respective sites, though carved out of the survey numbers in question, were not in fact the subject matter of acquisition proceedings.
- iii. No order as to costs.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK