



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 9293 OF 2026 (GM-POLICE)

BETWEEN:

MR. HUSSAIN ALI DAMANI
AGED 72 YEARS,
S/O LATE MR. ALI DAMANI,
RESIDENT OF 9/2C, GROUND FLOOR,
HAYES ROAD, RICHMOND TOWN,
BENGALURU - 560 025

PRESENTLY RESIDING AT
C/O. SHEHMAZ DAMANI,
G-1, DARUL QHAYAM,
NO.6, MARTYLE LANE,
RICHMOND TOWN,
BENGALURU - 560 025

...PETITIONER

(BY SRI. MURTUZA ALI BAIG, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ADDITIONAL CHIEF SECRETARY,
HOME DEPARTMENT,
ROOM NO. 38 AND 39,
GROUND FLOOR, VIKAS SOUDHA,
BENGALURU - 560 001.
2. THE JOINT COMMISSIONER OF POLICE,
WEST, INFANTRY ROAD,
BENGALURU - 560 001





3. THE DEPUTY COMMISSIONER OF POLICE,
CENTRAL DIVISION, BENGALURU CITY,
NO.8, KASTURBA RD, NEAR YES BANK,
SHANTHALA NAGAR,
ASHOK NAGAR,
BENGALURU - 560 001
4. THE STATION HOUSE OFFICER,
ASHOK NAGAR POLICE STATION,
BENGALURU - 560 025
5. MR. MOHAMMED RIYAZ,
S/O. MOHAMMED IQBAL,
AGED ABOUT MAJOR,
R/A. 9/2, AL MOIZ, FIRST FLOOR,
HAYES ROAD CROSS, RICHMOND TOWN,
BENGALURU - 560 025

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 TO R4)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OR ORDER IN THE NATURE OF WRIT OF CERTIORARI QUASHING THE ENDORSEMENT ISSUED BY THE RESPONDENT NO.4 I.E ASHOK NAGAR POLICE STATION, BENGALURU DATED 06.02.2026 AS IN ANNEX-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is filed seeking the following reliefs:

"(a) Issue a writ or order in the nature of writ of Certiorari quashing the endorsement issued by the Respondent No.4 i.e., Ashok Nagar Police Station, Bengaluru dated: 06/02/2026 as in Annexure-A.

(b) Issue a Writ or Order in the nature of Writ of Mandamus directing the Respondent Nos. 4 to register a First Information Report on the basis of the complaint filed by the Petitioner dated: 19/01/2026 as in Annexure-B cognizable offences committed against the Petitioner;

(b) Issue a Writ or Order in the nature of Writ of Mandamus directing the Respondent Nos. 5 to restore lawful possession of the Petitioner's residence situated at 9/2C, Ground Floor, Hayes Road, Richmond Town, Bengaluru-560025 to the Petitioner and to return all household belongings and personal effects of the Petitioner;

(c) Issue a Writ or Order in the nature of Writ of Mandamus directing the Respondent Nos. 2 to 4 to take strict and immediate action in accordance with law against Mr. Mohammed Riyaz, Mr. Babu Brigade, the landlord, and all other persons involved in the commission of the cognizable offences against the Petitioner, within a time frame to be stipulated by this Hon'ble Court;

(d) Issue a Writ or Order in the nature of Writ of Mandamus directing the Respondent No. 2 to periodically monitor and supervise the investigation conducted by the Respondent No. 4 and to ensure that all actions, communications, and instructions are provided to the Petitioner in writing in a senior citizen-friendly manner with due transparency;

(e) Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice, equity, and good conscience."



2. The petitioner, claiming to be a lawful tenant under respondent No.5, alleges that he has been forcibly and illegally dispossessed from the tenanted premises by the said respondent. It is specifically contended that there was no default in payment of rent and, notwithstanding the subsistence of the tenancy, respondent No.5 has taken law into his own hands and evicted the petitioner without recourse to due process of law. Aggrieved by such action, the petitioner has lodged a written complaint before the jurisdictional Station House Officer/respondent No.4.

3. Heard the learned counsel appearing for the petitioner and the learned AGA. The material on record, including the written complaint produced at Annexure-B, has been carefully perused.

4. Having regard to the nature of allegations made, this Court deems it appropriate to extract paragraph Nos.2 to 7 of the complaint dated 19.01.2026, which read as under:



"2. I Hussainali Damani, a senior Citizen of 72 years age had paid a deposit of Rs 28 Lakhs (Rupees Twenty eight Lakhs) to Mr. Mohd Riyaz, owner of house at AL MOIZ House No 9/2, Hayes Road, Richmond Town Bangalore 560025, through Bank Vide Check number: 000031 Dtd 29/10/04 Rs. 8 Lakhs and Vide Check number: 000032 Dtd 12/11/24 Rs. 20 Lakhs drawn on IDFC Bank Bangalore and I am staying in the above ground floor House since 1st Jan 2025 and also I am paying 10K monthly Rent & in paying 10k month 1st Jan-2025 & also I am in addition to above leased amount.

3. I was out of station for some personal work with my relatives. on returning, when I went to my above house today 19th Jan 2026 along with my Nephew Samin Damani at around 10 pm and I saw that all my house goods has been thrown out my above leased house, my personal belonging including around 50k cash (Fifty thousand rupees) was there in my above house.

4. The above incidence has caused immense harassment to this Senior Citizen, due to the above illegal act. I have done video recording and also taken photographs of the above happening of today at 10 pm and writing this complaint to yourself for this harassment.

5. I am having fear for my life that I may be harmed physically too.

6. I therefore, Request you sir, to kindly provide protection to the Senior Citizen from the harassment and illegal act done against this ailing Senior Citizen who is even unable to Walk properly without the help of his nephew. And obliged

7. It is humbly requested to kindly give us assistance of your policeman to accompany this Senior Citizen to put back his goods in his above house. Which has been illegally thrown out of his home."

5. A careful reading of the extracted portions of the complaint would indicate that, under the guise of seeking action on a criminal complaint, the petitioner is essentially requesting the jurisdictional police to provide assistance in



restoring possession of the premises and to facilitate re-entry into the house by accompanying him with police personnel. The tenor of the complaint, particularly paragraphs 6 and 7, clearly reflects that the primary grievance is directed towards regaining possession of the tenanted premises and reinstatement of the alleged status quo ante, rather than setting the criminal law in motion for any specific cognizable offence.

6. When a specific query was put to the learned counsel for the petitioner as to why the lease agreement or any document evidencing the tenancy has not been produced along with the petition, it was submitted that on account of urgency, the same could not be placed before this Court. This explanation does not inspire confidence, inasmuch as the very foundation of the petitioner's claim of lawful possession is the existence of a valid tenancy, which ought to have been substantiated by placing at least prima facie material before this Court.



7. Be that as it may, even on a plain reading of the complaint, there is no clear averment as to the nature of the tenancy, the date of its commencement, the terms governing such tenancy, or whether the alleged lease was created under a written instrument. There is also no material to indicate whether the tenancy is monthly or otherwise, and if so, whether it has been terminated in accordance with law. In the absence of these foundational facts, the dispute projected by the petitioner essentially pertains to alleged unlawful dispossession by the landlord, which squarely falls within the realm of civil dispute relating to possession and tenancy rights.

8. In that view of the matter, this Court is of the considered opinion that the jurisdictional police were justified in issuing the endorsement dated 06.02.2026, as at Annexure-A, declining to entertain the complaint in the manner sought by the petitioner. The relief of restoration of possession cannot be granted through police intervention in exercise of writ jurisdiction, particularly



when the dispute is civil in nature and involves adjudication of rights between a landlord and tenant.

9. If the petitioner is indeed dispossessed otherwise than in due course of law, it is always open for him to avail appropriate remedy before the competent civil court. The petitioner may seek recovery of possession by instituting a suit under Section 6 of the Specific Relief Act, 1963, or pursue such other remedies as are available in law for protection and restoration of possession.

10. Reserving liberty to the petitioner to approach the competent civil court in accordance with law, the captioned writ petition stands ***dismissed***.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

HDK
List No.: 1 Sl No.: 31