



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF MAY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO. 1400 OF 2026 (GM-POLICE)

BETWEEN:

1. M/S BHAIRAVESHWARA COOL POINT PVT. LTD
SY.NO. 13, NEAR BMTC DEPOT,
CHALLAGHATTA, KENGERI HOBLI,
BANGALORE URBAN, BANGALORE-560 074

MANAGING DIRECTOR
M/S BHAIRAVESHWARA COOL POINT PVT. LTD,
SY.NO. 13, NEAR BMTC DEPOT,
CHALLAGHATTA, KENGERI HOBLI,
BANGALORE URBAN, BANGALORE- 560 074.
REP. BY ITS DIRECTOR MR. HEMANTH. P

...APPELLANT

(BY SMT. VARSHA K FOR
SRI. K.M. PRAKASH,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HOME
THROUGH ITS PRINCIPLE SECRETARY
AMBEDKAR VEDHI, VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE COMMISSIONER OF POLICE.
BANGALORE CITY, ALI ASKER ROAD,





VASANTH NAGAR,
BENGALURU-560 001.

3. THE DEPUTY COMMISSIONER OF POLICE
SOUTH WEST DIVISION,
BANGALORE UNIVERSITY ROAD,
ITI LAYOUT, 3RD PHASE, MUTHARAYANA NAGAR.
GNANA BHARATHI, BANGALORE-560 056
4. THE STATION HOUSE OFFICER(SHO)
KUMBALAGODU POLICE STATION,
NH 275, KUMBALGODU, BANGALORE-560074.
5. M/S CELCIUS LOGISTICS SOLUTIONS PVT. LTD
NO. 1662, 2ND FLOOR, SECTOR 2, HSR LAYOUT,
27TH MAIN ROAD, BENGALURU-560 102.
REPRESENTED BY ITS MANAGING DIRECTOR
MR. ARBIND JAIN CHORADIA
6. M/S SHAGUN VENTURES
A SOLE PROPRIETORSHIP
REGISTERED UNDER THE GST ACT
HAVING ITS OFFICE AT BASEMENT FLOR,
NO.42, BULL TEMPLE ROAD, BASAVANGUDI,
BANGALORE-560 004.
REP BY ITS PROPRIETOR
MR. PENUGONDA NARAYANASETTY NAGENDRA

...RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA FOR R1 TO R4
SRI. MOHAMMED NAWAZ SHARIFF, ADVOCATE FOR C/R6)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET-ASIDE THE ORDER DATED
30/04/2026 PASSED BY THE LEARNED SINGLE JUDGE IN WP
NO.14570/2026.



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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

This intra-Court appeal is preferred by the appellant/respondent No.6 assailing the interim order dated 30.04.2026 passed by the learned Single Judge in W.P. No.14570/2026, whereby respondent No.4 therein was directed to forthwith intervene in the matter and ensure that the petitioner is granted immediate access to, and release of, the goods stored in the cold storage facility operated by respondent No.5 therein.

2. We have heard the learned counsel Smt.Varsha for learned counsel Sri K.M.Prakash appearing for the appellant, Smt.Saritha Kulkarni, learned Additional Government Advocate for respondent Nos.1 to 4 and



Sri Mohammed Nawaz Shariff, learned counsel for caveator-petitioner/respondent No.6 herein.

3. For the sake of convenience, the parties are referred to by their ranks in the writ petition.

4. Briefly stated facts of the case are that:

The petitioner claims to be the *bona fide* trader engaged in the business of wholesale trading of frozen food products. It is the specific case of the petitioner that substantial quantities of frozen food items, including pizza bases, desserts and chicken-based products, have been procured in bulk from various suppliers and stored in a cold storage facility operated by respondent No.5, who is stated to be a tenant under respondent No.6. The goods so stored are admittedly perishable in nature and require controlled storage conditions to preserve their quality, shelf life and commercial value and that the total value of the goods stored in the said cold storage was stated to be approximately Rs.45,00,000/-.



5. It is the further case of the petitioner that certain inter se disputes had arisen between respondent Nos.5 and 6 with regard to the landlord-tenant arrangement governing the cold storage premises, on account of which access to the petitioner's goods was obstructed and the same were wrongfully withheld within the premises. It is contended that the petitioner cannot be made to suffer for disputes between the respondents, particularly when the goods in question are perishable in nature and susceptible to rapid deterioration and spoilage. It is further contended that denial of access to the said goods would result in irretrievable loss and injury to the petitioner. In that view of the matter, the petitioner instituted the writ petition seeking a writ of mandamus and an interim direction for release of the goods.

6. The learned Single Judge, having come to the conclusion that the act of respondent Nos.5 and 6 in withholding the petitioner's goods under the guise of their inter se dispute was wholly unjustified, observed that any



dispute between the landlord and tenant cannot override the proprietary rights of a third-party depositor, nor can the same justify the unlawful detention of perishable goods entrusted for storage. Accordingly, respondent No.4 was directed to intervene in the matter and ensure that the petitioner is granted immediate access to, and release of, the goods stored in the cold storage facility.

7. Learned counsel appearing for the appellant vehemently contended that the learned Single Judge has erred in issuing the impugned interim direction, inasmuch as the appellant had at no point of time restrained or restricted access to the cold storage units either to respondent Nos.5 and 6 herein or to any person concerned. It is submitted that respondent No.5 herein continues to be in control and possession of the cold storage units and that access thereto has always remained unobstructed, notwithstanding the false allegations made against the appellant.



8. It is further contended that respondent No.5, under the guise of the interim direction, is attempting to evade and defeat its legal obligation to pay rents due to the appellant. On these grounds, learned counsel seeks setting aside of the impugned interim direction and consequently, allowing of the writ appeal.

9. *Per contra*, learned counsel appearing for the caveator/respondent No.6 contended that the appellant had illegally withheld the perishable goods stored in the cold storage facility, despite the goods having a short shelf life and being susceptible to rapid deterioration. It is submitted that notwithstanding several requests and representations made to the jurisdictional police authorities, no effective action was initiated, thereby constraining respondent No.6 herein to seek appropriate directions by this Court for release of the said goods.

10. It is further contended that the learned Single Judge, having due regard to the perishable nature of the goods as well as the inter se dispute subsisting between



the appellant and respondent No.5 herein, has rightly passed the impugned order directing release of the goods.

11. Having perused the material placed on record and upon consideration of the impugned order, we are of the considered view that, as rightly observed by the learned Single Judge, the petitioner cannot be made to suffer on account of the inter se disputes between the appellant and respondent No.5 herein. Having regard to the perishable nature of the goods in question and the imminent likelihood of deterioration and spoilage, the learned Single Judge was fully justified in exercising jurisdiction and issuing directions for release of the goods. In that view of the matter, we find no valid or justifiable ground warranting interference with the impugned order in exercise of appellate jurisdiction. Accordingly, the appeal stands ***dismissed.***

12. It is, however, made clear that the interim direction issued by the learned Single Judge shall not prejudice or otherwise affect the adjudication of the inter



se disputes between the appellant and respondent No.5
herein concerning the cold storage premises, before the
appropriate forum.

**SD/-
(S VISHWAJITH SHETTY)
JUDGE**

**SD/-
(RAJESH RAI K)
JUDGE**

PKS
List No.: 1 Sl No.: 1