



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 32895 OF 2025 (GM-POLICE)

BETWEEN:

DR MAHESH GUNDAPPA
S/O LATE H.S. GUNDAPPA,
AGED ABOUT 62 YEARS
R/O 1-127, WESTONGATE WAY.
CARY, NC 27513, USA,
REPRESENTED BY GPA HOLDER
SRI C. SHASIDHARA
S/O K. CHANDRASHEKAR,
R/O NO.23/1, K.R.SINDHIYA ROAD,
V.V. PURAM, BANGALORE, 560 004.



...PETITIONER

(BY SRI. SRIDHAR B R., ADVOCATE FOR
SRI. SHIVAPRAKASH M., ADVOCATE)

AND:

1. COMMISSIONER OF POLICE
BANGALORE CITY
BANGALORE - 560 001.



2. THE DEPUTY COMMISSIONER OF POLICE
BANGALORE SOUTH
BANGALORE-560 001.
3. THE ASSISTANT COMMISSIONER OF POLICE
BANGALORE
BANGALORE-560 002.
4. THE STATION HOUSE OFFICER
THALAGHATTAPURA POLICE STATION
THALAGHATTAPURA,
BANGALORE - 560 109.
5. SRI.THIMNARASAPPA
S/O LATE VENKATAPPA
AGED ABOUT 85 YEARS
R/O DASEGOWDANAPALYA
SOMAPURA DAKHLE,
VIDHYAPEETHA POST,
KENGARI HOBLI,
BANGALORE SOUTH TALUK,
BANGALORE - 560 060.

...RESPONDENTS

(BY SRI.B. RAVINDRANATH., AGA FOR R1 TO R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1. CALL FOR THE ENTIRE RECORDS IN RESPECT OF COMPLAINT LODGED BY THE PETITIONER WITH RESPONDENT NO. 1, 2 AND 3 IN RESPECT OF SITE NO. 118 OF BANASHANKARI 6TH STAGE; 2. DIRECT THE RESPONDENT NO. 1 TO 4 TO EXTENT APPROPRIATE POLICE PROTECTION TO CONSTRUCT AND DEVELOP



THE DWELLING HOUSE IN SITE NO. 118 DULY ALLOTTED AND ACQUIRED LAWFUL RIGHT BY THE PETITIONER DESCRIBED IN THE SCHEDULE AND CONSIDER THE COMPLAINTS DATED 24.10.2024 AND 08.08.2025 AT ANNEXURE K1 & K2.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner, who is the second defendant in the suit in O.S.No.315/2020 on the file of the I Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru, has succeeded in the application for temporary injunction filed by the fifth respondent [*the plaintiff in such suit*]. This is seen from this Court's order dated 14.08.2024 in MFA No.145/2024 [CPC], and this Court has dismissed the fifth respondent's appeal as against the civil Court's order rejecting his application.



The petitioner seeks directions to the jurisdictional police to extend protection based on these orders. Mr. Sridhar B.R., the learned counsel for the petitioner, and Sri B. Ravindranath, the learned Additional Government Advocate who is called upon to accept notice for the first to fourth respondents, are heard. If the petitioner has to succeed in a request for directions to the jurisdictional police to intervene, even with his rights vindicated, the civil Court, which is seized of the matter, must be persuaded to opine that certain order must be passed to ensure there is protection and unless the petitioner avails such remedy, there cannot be any direction in the present circumstance.

The petitioner must file an application with the civil Court for specific direction, and the civil Court must, depending on the circumstances, issue specific direction to the jurisdictional police. Therefore, the petition stands disposed of with liberty to the



petitioner, subject to all just exceptions in law, to file an application in the pending proceedings calling upon the civil Court to dispose of the application expeditiously.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA