

CCC NO. 100395/2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[THE INDIA SUGARS AND REFINERIES LIMITED VS. MR. M
D GHOUSE AND ANOTHER]

17.04.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

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

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

Sri Anant P. Savadi, the learned counsel who is on record for respondent No.1, submits that he has instructions to enter appearance on behalf of the proposed respondents Nos.3, 6, 7, 9, 11, 13, 14, 16 to 22, 24, 28, 31, 33, 36, 38 and 39 who are served with but he cannot take notice for the other proposed respondents as they have not been served yet.

Sri Rajesh Chander, the learned Senior counsel for the petitioner, while stating that there is some prevarication in making submissions on due appearance, submits that this Court may consider, amongst others, that **[i]** the writ Court has recorded in paragraph No.12 of its order that the workmen who have to hand over vacant possession of the

respective premises, are retaining symbolic possession, *[ii]* there is a deliberate effort to frustrate the positive directions issued by the writ Court, *[iii]* the Police will not be able to ensure due service of notice to the proposed respondents and who are yet to be served because these workmen have vacated and kept the premises under lock and key, and *[iv]* the premises are in a dilapidated conditions.

The jurisdictional Police have filed a report stating that notice is not served on some of the proposed respondents because of reasons such as that the premises are door locked or they were out of premises when service was attempted or that the concerned is hospitalized or residing elsewhere.

The notice is re-issued to these un-served proposed respondents returnable by **25.06.2026**. The Office is directed to ensure that these notices are dispatched to the Office of the jurisdictional Superintendent of Police, who shall ensure that appropriate instructions are issued to the concerned jurisdictional Police for effecting due service and also filing a report specifically on *a)* reason for not personally

delivering the notice to the concerned, **b]** if the premises are locked, the condition of the premises, **c]** if somebody related to the concern, the information about the complaint is delivered to such person. The report shall be filed by the Office of the Superintendent of Police by the next date of hearing.

Sri Anant P. Savadi, will be at liberty to file counter insofar as the allegations are that his clients [*the proposed respondent Nos.3, 6, 7, 9, 11, 13, 14, 16 to 22, 24, 28, 31, 33, 36, 38 and 39]* are deliberate in not receiving the amount in terms of the writ Court's order and handing over the possession.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE