

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2018

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO.10851/2018
&
WRIT PETITION NO.13407/2018 (GM-POLICE)

BETWEEN:

GANGA BYRAPPA
S/O LATE B. MUNIPUTTAIAH,
AGED ABOUT 75 YEARS,
MUDALAPALYA,
CHIKKAMARANHALLI,
MAHADEVAPURA POST,
KASABA HOBLI,
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT-560 048. ... PETITIONER

(BY SRI VISHNU HEDGE, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS ADDL CHIEF SECRETARY
AND HOME SECRETARY,
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001
2. THE DIRECTOR GENERAL OF POLICE
STATE OF KARNATAKA,
NRUPATHUNGA ROAD,
BANGALORE-01
3. THE SUPERINTENDENT OF POLICE
BANGALORE RURAL DISTRICT,
VASANTHNAGAR,
BANGALORE-560 052.

4. THE DEPUTY SUPERINTENDENT
OF POLICE
NELAMANGALA SUB DIVISION,
DADAPEER LAYOUT, TUMKUR ROAD,
NELAMANGALA,
BANGALORE RURAL - 562 123
5. THE CIRCLE INSPECTOR OF POLICE
NELAMANGALA TOWN POLICE STATION,
NELAMANGALA,
BANGALORE RURAL-562 123.
6. THE SUB-INSPECTOR OF POLICE
NELAMANGALA TOWN
POLICE STATION,
ARISHINAKUNTE,
NELAMANGALA,
BANGALORE RURAL-562 123. ... RESPONDENTS

(BY SRI VIJAYKUMAR A. PATIL, AGA)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTIONS TO THE RESPONDENTS NO.1, 2 AND 3 TO CONSIDER THE REPRESENTATION DATED 28.11.2017 I.E., ANNEXURE-A.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Learned Government Advocate to accept notice for respondents No.1 to 6 and file memo of appearance in four weeks.

2. The petitioner is before this Court seeking that the respondents No.1, 2 and 3 consider the representation dated 28.11.2017 and in that light, direct

the respondents No.5 and 6 not to involve in the civil litigation in respect of the suit schedule properties.

3. The case of the petitioner is that, he is an Agriculturist and he is the owner of the properties referred to in the petitions. It is his case that though several litigations relating to the properties are pending before the Court below, the respondents No.5 and 6, without authority of law have been interfering with the civil rights of the petitioner relating to the properties in question. It is in that view, the petitioner is before this Court.

4. From the averments, it is noticed that the suit in O.S.Nos.47/2016 and 53/2018 are pending before the competent Civil Court. In the said proceedings, if any particular directions are issued by the Court through the respondent-Police Officer, only in such event, they are required to take note of the same. On the other hand, if any complaints are filed, on being examined, if it is found that it is of a civil nature, certainly, the respondents would not be entitled to interfere. However, if the complaints as received by the

respondents No.5 and 6 indicates the existence of a law and order problem or apprehension relating to commission of cognizable offence, in such event, certainly, the action in accordance with law would be necessary to be taken but, it can only be in accordance with law.

5. Therefore, at this juncture, though a consideration of the representation as sought by the petitioner at this stage would not arise, the respondents No.5 and 6 shall keep these aspects in view. Despite the same, if there is further interference by the respondents No.5 and 6, liberty is reserved to the petitioner to file an appropriate representation to the respondent No.3, who shall take note of the same and take action in accordance with law.

In terms of the above, these petitions stand ***disposed of.***

**Sd/-
JUDGE**

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