



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 9943 OF 2026 (GM-PP)

BETWEEN:

T.V. SATHYANARAYANA GUPTA
S/O. T.V. GOPALIAH
AGED ABOUT 57 YEARS,
RESIDING BEHIND NEW BUS STAND,
HAVING BUSINESS IN SHOP NO.4,
IN MUNICIPAL COMPLEX, PAVAGADA TOWN,
TUMAKURU DISTRICT - 561 202

...PETITIONER

(BY SRI. SUNIL KUMAR PATEL, ADVOCATE)

AND:

1. THE PRESCRIBED AUTHORITY
UNDER THE PUBLIC PREMISES
(EVICTION OF UNAUTHORISED OCCUPANTS)
ACT, 1971, CHIEF OFFICER,





TOWN MUNICIPALITY,
PAVAGADA - 561 202

2. THE TOWN MUNICIPAL COUNCIL,
REPRESENTED BY ITS CHIEF OFFICER,
PAVAGADA - 561 202

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION BY QUASHING ORDER, DATED 17.01.2026, PASSED ON IA-2, FILED U/OR. XI RULE-1 AND 2 AND 14 R/W SEC.151 OF CPC, 1908 IN M.A NO.5025/2024, PENDING ON THE FILE OF THE IV ADDL. DIST. AND SESSIONS JUDGE, TUMAKURU SITTING AT MADHUGIRI., VIDE ANNEXURE-A.

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 present writ petition is filed by the petitioner, an alleged unauthorized occupant, calling in question the order passed by the Appellate Authority, whereby an application filed under Order XI Rules 1, 2 and 14 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC'), has been rejected. The Appellate Authority has declined to entertain the said application on the ground that such recourse is not permissible in an appeal preferred under Section 10 of the Karnataka Public Premises (Eviction of Unauthorized Occupants) Act, 1974 (for short, 'the Act, 1974').

2. The brief facts leading to the filing of the present petition are that respondent No.2 appointed respondent No.1 as the Estate Officer for initiating proceedings to evict the petitioner on the premise that he is an unauthorized occupant of the subject premises. Pursuant to such appointment, respondent No.1/Estate Officer issued notice to the petitioner, conducted an enquiry in



accordance with law, and ultimately passed an order of eviction under Section 4 of the Act 1974.

3. Aggrieved by the order of eviction passed by the Estate Officer, the petitioner preferred an appeal before the Appellate Authority under Section 10 of the 1974 Act. During the pendency of the said appeal, the petitioner filed an application under Order XI Rules 1, 2 and 14 read with Section 151 of CPC, seeking a direction to respondent No.2 to produce certain documents, which according to the petitioner are necessary for effective adjudication of the appeal. The said application, however, came to be rejected by the Appellate Authority.

4. Heard the learned counsel appearing for the parties. This Court has carefully considered the rival submissions and has bestowed its anxious consideration to the prayer sought in the application filed under Order XI Rules 1 and 2 of CPC. This Court deems it appropriate to



extract the interrogatories sought to be administered to the respondents, which read as follows:

"1. The Respondents to produce the Video recorded during the Auction proceedings.

2.The Respondents to produce the Original lease agreement executed by the appellant from time to time as directed by the TMC Pavagada with the deposit made by the appellant.

3.The Respondents to produce the documents showing when the appellant has occupied the premises and on what basis/order he has occupied the premises. Further, the relevant dates with documents when the occupation of the premises by the appellant was allowed to continue to be produced.

4. The Respondents to produce documents showing the rents paid by the appellant from the date when the appellant occupied the premises/or give such other particulars showing the rents as well as deposits made by the appellant.

5.A reference is made in the objections regarding the Govt. of Karnataka Notification dated 20-06-2000 appointing the Respondent as Estate Officer, but the Respondent has not produced any document as to whether the Chief Officer of the TMC Pavagada is a Class-I Officer or otherwise. The rank/designation of the

6. Documents showing on what basis the Reservation of shops has been done relating to SC/ST to be produced.

7. The Respondents to produce the relevant documents such as resolutions/Govt. Orders/Notifications to show as to why the auction of the schedule premises was proposed, the intention behind the auction.



8. The respondents to produce the representation made by the persons who are said to be successful bidders in the auction to reduce the rent as the rent is too high and are unable to pay the same. Viz., the Bidders of Shop premises Nos.28, 7, 29, 10, 19, 1, 16, 31, 4, 25, 26, 6, 21 & 15.

9. The Notice issued to the appellant u/Sec.4 of the Act giving reasons for eviction to be produced.

10.All the relevant records prior to initiation of the proceedings for eviction maintained by the respondents to be produced."

5. This Court, upon careful examination of the interrogatories extracted supra, is of the considered view that the very nature and tenor of the questions sought to be administered by the petitioner travel far beyond the permissible scope of enquiry contemplated under Section 4 of the Act, 1974. Proceedings initiated under Section 4 of the 1974 Act are essentially summary in nature, intended to provide a swift and efficacious mechanism for eviction of unauthorized occupants from public premises. The legislative intent underlying the enactment is to avoid protracted civil trials and ensure expeditious recovery of possession by public authorities.



6. Though it is trite that the provisions of the CPC, are made applicable to a limited extent, such applicability is procedural and not plenary. The Estate Officer is not expected to conduct a roving or fishing enquiry akin to a regular civil suit. The scope of adjudication is confined to examining (i) whether the occupant is unauthorized, and (ii) whether an order of eviction is warranted on the basis of material placed before the authority. The elaborate interrogatories now sought ranging from production of auction videos, historical lease agreements, reservation policies, internal resolutions, and representations of third parties are wholly extraneous to the limited enquiry envisaged under Section 4 of the Act 1974.

7. This Court is of the considered view that the scheme of Section 4 of the Act, 1974, manifests that the proceedings contemplated thereunder are summary in nature, structured, and purpose-oriented, intended to secure expeditious eviction of unauthorized occupants from public premises. The jurisdiction of the Estate Officer



is triggered upon formation of an opinion that the occupant is in unauthorized possession, either *ab initio* or by reason of expiry, termination, or breach of the authority under which possession was initially granted. The enquiry is thus confined to a limited adjudicatory spectrum, namely, whether the premises fall within the definition of public premises, whether the occupant is unauthorized, and whether the authorization, if any, has ceased to exist in the eye of law. The Estate Officer is not vested with jurisdiction to adjudicate complicated questions relating to title, ownership, or *inter se* disputes between private parties, nor is the authority required to examine policy decisions or administrative justifications underlying actions of the public authority. The proceedings are guided by principles of natural justice, requiring issuance of notice and affording reasonable opportunity to show cause; however, the standard of satisfaction is one of reasonable and *prima facie* satisfaction, and not that of a full-fledged civil trial.



8. Though certain provisions of the CPC are made applicable, such applicability is limited, facilitative, and not plenary, and cannot be invoked to convert summary proceedings into a detailed civil adjudication. The Estate Officer is not expected to permit roving or fishing enquiries, nor can the occupant compel production of voluminous or collateral records unrelated to the core issue of unauthorized occupation. Mechanisms such as interrogatories and discovery under Order XI CPC, particularly in their expanded form post-amendment relating to commercial disputes, have no application in proceedings of this nature. The burden initially lies on the authority to establish unauthorized occupation, upon which the onus shifts to the occupant to justify lawful possession. The statutory framework, read in conjunction with the limited appellate jurisdiction under Section 10 of the Act 1974, clearly demonstrates that the enquiry must remain focused, time-bound, and confined to the question



of unauthorized occupation, and any attempt to enlarge its scope would defeat the very object of the enactment.

9. Significantly, the records indicate that the petitioner, during the pendency of proceedings before respondent No.1/Estate Officer, has not diligently availed the opportunity to place his objections or produce material in support of his case. Having failed to do so at the appropriate stage, the petitioner cannot be permitted to reopen the entire enquiry indirectly by invoking the provisions of Order XI of CPC.

10. The next and more crucial aspect that arises for consideration is as to whether such recourse could at all be resorted to in an appeal preferred under Section 10 of the Act, 1974. This Court answers the said question in the negative. An appeal under Section 10 of the Act, 1974 is in the nature of a statutory appellate remedy against the order of eviction and is confined to examining the legality, correctness, and propriety of the order passed by the



Estate Officer on the basis of the material already on record. It is not a stage for initiating a de novo enquiry or for invoking elaborate discovery mechanisms.

11. The provisions of Order XI Rules 1 and 2 and Rule 14 of the CPC are designed primarily for civil trials, where parties are at liberty to establish their respective claims through detailed pleadings and evidence. More importantly, Rule 14, in its present form post-amendment, has a specific and enhanced application in commercial disputes, where structured discovery and disclosure are integral to adjudication. The said framework cannot be bodily imported into summary proceedings under the 1974 Act, much less in an appellate proceeding arising therefrom.

12. Permitting such applications would defeat the very object of the statute by converting summary eviction proceedings into full-fledged civil trials, thereby enabling unauthorized occupants to indefinitely prolong their



possession of public premises. The doctrine governing proceedings under the Act, 1974 consistently emphasizes speed, efficiency, and limited adjudicatory scope, as opposed to exhaustive fact-finding exercises.

13. In the present case, the petitioner, having suffered an order of eviction, has sought to invoke the machinery of interrogatories at the appellate stage. The nature of the queries extracted supra clearly demonstrates that the attempt is not to clarify any ambiguity germane to the issue of unauthorized occupation, but to protract the proceedings. This Court cannot countenance such an approach.

14. It is a matter of common judicial experience that unauthorized occupants often resort to dilatory tactics to stall eviction proceedings. The present application is one such attempt to protract the proceedings under the guise of seeking discovery. The Appellate Authority, having examined the scheme of the Act, 1974 and the nature of



the application, has rightly recorded a categorical finding that Rules 1, 2 and 14 of Order XI of CPC are inapplicable in an appeal under Section 10 of the Act, 1974.

15. This Court finds no infirmity, perversity, or jurisdictional error in the order passed by the Appellate Authority. On the contrary, the reasoning assigned is in consonance with the settled principles governing summary eviction proceedings under the Act, 1974.

16. In that view of the matter, this Court is of the firm opinion that no indulgence is warranted in the present writ petition. The petition is devoid of merits and is accordingly ***dismissed***.

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