

### **ORDER ON I.A.NO.1 & 2**

This is a suit for mandatory injunction directing the defendants No.1 to 79 to remove/delete the false and vexatious video contents mentioned in the schedule URLs/weblinks and for consequential relief of permanent prohibitory injunction against defendants No.1 to 79 from making false, baseless, reckless allegations against Sri Kshetra Dharmasthala Institution run by the Kshetra, the

organizations established by Dharmasthala Temple and the Institution, its head of Institution Dr. D. Veerendra Heggade, permanent prohibitory injunction against the defendants No.1 to 72, 78 and 79 from making/telecasting/publishing/circulating any false allegations against Sri Kshetra Dharmasthala Institution run by Kshetra, the Organization established by Dharmasthala Temple and its Institution, its head of Institution Padma Vibhushana Dr. D. Veerendra Heggade and his family members and other consequential reliefs.

**2.** I.A.No.1 is filed under Order XXXIX Rules 1 & 2 CPC for an order of temporary injunction restraining the defendants No.1 to 72, 78, 79, their men, servants, agents etc., from making/telecasting/ publishing /circulating /forwarding/uploading and transmitting/sharing any false allegations against Institution, head of Institution Dr. D. Veerendra Heggade and his family members.

**3.** I.A.No.2 is filed under Order XXXIX rule 1 & 2 CPC by way of exparte mandatory injunction directing the defendants No.1 to 79 to remove/delete the false and baseless allegations

mentioned in the schedule against the Institution, head of Institution and his family members.

4. Heard counsel for the plaintiff, perused the plaint, I.As., and documents.

5. It appears that defendant No.1 to 13 allegedly made false and baseless allegations against Dharmasthala Institution, its Organization, head of Institutions and his family members. The alleged allegation are stated in Kannada in page No.35 to 49 of the plaint. The same are circulated through defendants channels, social media as per URLS/weblinks mentioned in the schedule. It appears the alleged contents are per se defamatory.

6. Hon'ble High Court of Karnataka in WP No.19382/2023 dated 20-01-2025 in para No.11 passed an order as follows:

11. Having regard to the facts and statements narrated herein above, this Court is of the considered opinion that the Petitioners herein have a right to seek such a directions to the Respondent police. The Respondent police are required to take action in accordance with law if they find that the 9<sup>th</sup> Respondent or his followers or **any person** makes any statement in the open public or **publishes any such derogatory statement**, which is an offence in accordance with law and in that regard, if any material is placed by the Petitioners or any person aggrieved

of any such action on part of the 9<sup>th</sup> Respondent or his followers, and such and if such information is placed before the police, it is the bounden duty of the Respondent police to take action immediately, in the accordance with law.

**7.** Hon'ble High Court of Karnataka in WP No.35158/2024 by order dated 20-12-2024 Respondents No.1 to 8 in the said petition i.e, Union of India, State of Karnataka, Station House Officer, CEN Crime Police Station, YouTube, Google LLC, Metaplatform INC and instagram LLC and others, were directed to delete the YouTube channel as mentioned in the schedule of the writ petition.

**8.** In WP No.19382/2023 in para No.5 order dated 04-07-2024 observed as follows:

5. Respondent No.1 to 8 are directed not to accord any permission/license so as to conduct any events/public functions in the name and style “ *justice for Sowjanya*” or by any other name in favour of Respondent No.9 or his followers named above or any other persons claiming through are under Respondent No.9, till next date of hearing.

**9.** By considering the above said judgments. The documents filed by the plaintiff prima facie would show the alleged publication/video made by defendants as extracted in the plaint are defamatory in nature.

**6.** Article 19(1)(9) of Indian Constitution grants permission of speech and expression. However, Article 19(2) places reasonable restriction,

including defamation. If the content is false and harms the reputation of the plaintiff Institution and its head, it amounts to a defamation. Prima facie, the contents of video made by the defendants and circulated/published through other defendants prima facie is likely to cause harm to the plaintiff and its Institution, head of Institution. The communication through internet is an instantaneous and has a wide impact on the public at large. Considering the change in technology, the Courts are now required to be more practical than ever, especially in considering the grant of interim injunction, restraining alleged defamatory contents.

**10.** As per the judgment of Hon'ble Apex Court in case of **Justice K.S. Puttaswamy (Retd.) vs. Union of India (2017) 10 SCC 1**, wherein it is held that right to privacy is a fundamental right. It has resulted in a approach change towards defamation cases involving private individuals. The increasing advancement in technology, defamation, irrespective of the fact that it is through online or offline media, has created close ties with the right to privacy enshrined as a fundamental right under the Constitution of India. In **Subramanyaswamy vs. Union of India (2016) 7 SCC 221**, the Hon'ble Supreme Court

has observed that the reputation of an individual cannot be tarnished by another individual and further that the reputation and privacy of a person is an integral part of an individual's life and liberty.

**11.** In the present case on hand, the material produced by the plaintiff prima facie would show the alleged allegation made by the defendants No.1 to 13 and circulated with other defendants per se amounts to defamation.

**12.** Prima facie, the voluminous material produced by the plaintiff would show a strong likelihood of success in proving that the defendants posts are defamatory. The continuous publication / circulating/ forwarding the alleged false and vexatious video contents would cause serious and irreparable harm to the reputation of the plaintiff Institution, its head and his family members, which could not be adequately compensated by damages. The Court prima facie found plaintiff would suffer from continuous defamation at the hands of defendants. That the alleged defamatory video contents is widely accessible and shared in social media as described in the schedule of the plaint worsening reputational harm, immediate removal

is necessary to prevent further harm. The grant of ex parte mandatory injunction by the Court is only in exceptional circumstances. Prima facie, material on record would satisfy the Court that there is an urgency to avoid irreparable harm to the plaintiff, the grant of ex parte mandatory injunction in I.A.No.2 is necessary directing the defendants No.1 to 79 to remove false allegations mentioned in schedule URLs restraining defendants from posting further defamatory content and to take down the content from the social media platform. The issuance of notice would defeat by delay, as such the following :

### **ORDER**

As per I.A.No.1 under Order XXXIX rule 1 & 2 CPC by an order of ex parte order of temporary injunction the defendants No.1 to 72, 78 and 79, their men, servants, agents, administrators, assignees or any persons claiming through or under them restrained from making/ telecasting/ publishing/ circulating/forwarding/uploading/transmitting / sharing any false, baseless, reckless allegation against the plaintiff Institution, Head of Institution Dr. D. Veerendra Heggade and his family members in any manner till disposal of I.A.No.1.

As per I.A.No.2 under Order XXXIX rule 1 & 2 CPC issue ad-interim ex parte order of mandatory injunction directing the defendants No.1 to 79, their men, servants, agents, administrators, assignees or any persons

claiming through or under them to remove/delete the false and baseless allegations mentioned in schedule URLs and making further allegations against the plaintiff Institution, Head of Institution and his family members and concocted series till disposal of I.A.No.2.

Plaintiff shall comply with Order XXXIX Rule 3(a) of the Code of Civil Procedure, 1908.

Issue T.I. notice of I.A.Nos.1 and 2 to defendants No.1 to 79 and suit summons to defendants No.1 to 79 returnable by **09-06-2025**.

**[S. NATARAJ]**  
**VI ACC & SJ., B'LURU CITY**