IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE:: KANDUKUR

Present: Sri **M.Babu** Principal Junior Civil Judge, Kandukur

Tuesday, this the 17th day of March, 2020

ORIGINAL SUIT No.465/2019

Between

Vennapusa Chinakotaiah @ China Kotireddy, S/o Chinnapa Reddy, Hindu, aged about 82 years, agriculturist, R/o Narasimhapuram Village, hamlet of Lingasamudram Mandal, Prakasam District. ... Plaintiff

AND

- 1. Malireddy Chandraiah, S/o Chennaiah @ Boddaiah,
- 2. Malireddy Ramanamma, W/o Chandraiah,

Both are Hindus, age 48 & 42 years respectively, R/o Narsimhapuram Village, Mogilicharla, hamlet of Lingasamudram Village & Mandal, Prakasam District.

... Defendants

The Suit is coming on 17.03.2020 for Plaintiff evidence before me in the presence of Sri P.R.K.Murali, Advocate for the Plaintiff and the Defendants having been called absent and set exparte, and after hearing arguments and having stood over for consideration till this day, the Court delivers the following:

-:: J U D G M E N T ::-

- 1. This suit is filed for Permanent Injunction restraining the defendants, their men, assignees and followers from ever interfering with the peaceful possession and enjoyment of the plaintiff and his men over the plaint schedule property, and for costs.
- 2. The brief averments of the plaint are as follows:

The suit schedule property is situated at Mogilicharla Village of Lingasamudram Mandal, Prakasam District comprising Sy.No.604/1 an extent of Ac.1.50 cents dry land. The said land is assigned land. The Government has granted D-form patta to the plaintiff being poor person, vide Dis.No.38/1406, dated.10.04.1997. Revenue Authorities mutated the entry in the name of the plaintiff in concern Revenue records in respect of suit schedule property with Khata number:564 and issued pattadar

passbook and title deed passbook to the plaintiff. The plaintiff invested huge amount on the suit schedule property make it fit for kind perusal of this Hon'ble Court. Since then on wards plaintiff is in peaceful possession and enjoyment of the same by rising different crops like, Red gram, Bengal gram, Tobacco etc., without any interruption. The plaintiff obtained crop loan from Canara Bank, Lingasamudram by mortgaging the suit schedule property along with other lands. Original title deed passbook and pattadar passbook are with custody of the Canara Bank, Lingasamudram, xerox copy of the pattadar passbook is herewith filed. The Revenue Authorities uploaded the information regarding the suit schedule property in favour of the plaintiff to the web land. The plaintiff got eligibility for agriculture loan revival for his crop loan with I.D.No.85308920 by the Ryithu saadhikhara samstha (రైతు సాధికార సంస్థ) Dt.14.02.2019 eligibility document of loan revival is herewith filed for kind perusal of this Hon'ble Court. It is also submitted that the Government of Andhra Pradesh has deposited the amount of Rs.7,500/- of rythu bharosa scheme amount in plaintiff's account the copy down loaded from the web is herewith filed for kind perusal of the Hon'ble Court. The defendants are utter strangers to the suit schedule property and they no right over the property. They are having desperate character and not law abiding persons. They trespassed in to the suit schedule property in 2015. The plaintiff filed a complaint against the defendants in Lingasamudram Police Station and after the due investigation and after receiving the detailed enquiry report from the Tahsildar, Lingasamudram, with Rc.Dt.50/2015 dated.11.02.2015 basing on the said report of the Mandal Tahasildar police registered the case against defendants on the file the Addl.Judicial Magistrate Court, Kandukur vide C.C.No.155/2015 and it is pending. Plaintiff crave leave to file certificate copies after obtaining from Addl.Judicial Magistrate Court, Kandukur. The defendants proclaiming in the Village since 10 days that they will disposes the plaintiff from his peaceful possession of the land with hook or crook with high undue pressure of the ruling party. The defendants are powerful persons in the Village and having brutal strength of unruly persons. They are having very sound financial status and political support of ruling party. The plaintiff is poor and old as person and suffering from old age ailments, high bled pressure and hyper tension. He is not able to resist the highhanded acts of the defendant and their men, assignees from the interfere in the peaceful possession and enjoyment of the suit schedule property. If the utterances are translated in to action plaintiff cannot resist without the help of this Hon'ble Court. Hence, the plaintiff is constrained to file this suit for protection from the Hon'ble Court by way of Permanent Injunction.

- 3. On behalf of the Plaintiff, he himself examined as Pw.1 and got marked Ex.A1 to A6. The Defendant remained set exparte.
- 4. Heard both sides.
- 5. Now the point for consideration is that :
 - I. Whether the plaintiff is entitled for grant of Permanent Injunction as prayed for?
 - II. To What relief?

6. Point.No.1:

The learned plaintiff counsel by submitting his arguments contended that originally, the plaint schedule property is Government land and the same was assigned to the plaintiff in S.No.604/1 to an extent of Ac.1.50 cents vide Dis.No.38/1406, dated.10.04.1997, as he is landless poor person. Since then the plaintiff has been in peaceful possession and enjoyment of the schedule property by raising crops like Respondent/Defendant gram, Bengal gram and tobacco etc. The Revenue Authorities also issued pattadar passbook and title deed in respect of schedule property and got mutated his name in the Revenue records as owner. The plaintiff also obtained crop loan from Canara Bank, Lingasamudram by mortgaging the suit schedule property. He also got loan revival for his crop loan. The defendants, who are strangers to the schedule property trespassed in to the suit schedule property and started proclaiming in the Village for the last 10 days that they would dispossess the plaintiff from the suit schedule property with the support of ruling party. Hence, the plaintiff filed the suit.

7. On perusal of the material record, the Defendant remained set exparte. As seen from evidence of Pw.1, his evidence is nothing but a contents of the Plaint, through the evidence of Pw.1. Ex.A1 to A6 Ex.A1 is the D-Form patta issued in favour of the plaintiff Dis.No.38/1406, dated.10.04.1997. Ex.A2 is the Cist receipts. Ex.A3 is the Meeseva copy of 1-B Namoona, dated.30.10.2019. Ex.A4 is the Meeseva copy of Adangal/pahani, dated.30.10.2019. Ex.A5 is the Loan revival eligibility documents issued by the Rythu Saadhikra Samsta in favour of the plaintiff. Ex.A6 is the Ryithu Bharosa particulars regarding to the plaintiff downloaded from web land. So the evidence of Pw.1 and documents which were clearly proves that the plaintiffs have been in possession and enjoyment of the suit schedule property. In the case of Mohd Ashrar Ahmed Shareef v. State of A.P. - 2009 (5) ALT 403. it was held that "in the case of perpetual injunction Relevant consideration is the Possession as on the date of filing the suit. The Relief of perpetual injunction cannot be denied to a person who proves his possession of suit land on the strength of certain documents". So the documents filed by the plaintiff proves the possession of the plaintiff over the plaint scheduled property. The defendant did not choose to challenge the evidence of Pw1 as well as documents filed by the plaintiff. In view of the above facts and circumstances considering on the material record, point was answered in favour of plaintiff against the defendants.

8. Point No.2:

In the result, the suit is decreed with costs in favour of the plaintiff and against the defendants, granting Permanent Injunction restraining the defendants, their men, assignees and followers from interfering with the peaceful possession and enjoyment of the Plaintiff and his men over the Plaint Schedule Property.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open court on this the 17^{th} day of March, 2020.

PRINCIPAL JUNIOR CIVIL JUDGE, KANDUKUR.

APPENDIX OF EVIDENCE WITNESSES EXAMINED

<u>FOR PLAINTIFF:</u> <u>FOR DEFENDANT :</u>

Pw.1: Vennapusa Chinakotaiah @ China Kotireddy, -None-

EXHIBITS MARKED

FOR PLAINTIFF:

Ex.A1: D-Form patta issued in favour of the plaintiff Dis.No.38/1406, dated.10.04.1997.

Ex.A2: Cist receipts.

Ex.A3: Meeseva copy of 1-B Namoona, dated.30.10.2019.

Ex.A4: Meeseva copy of Adangal/pahani, dated.30.10.2019.

Ex.A5: Loan revival eligibility documents issued by the Rythu Saadhikra Samsta in favour

of the plaintiff.

Ex.A6: Ryithu Bharosa particulars regarding to the plaintiff downloaded from web land.

FOR DEFENDANT: NIL

PRINCIPAL JUNIOR CIVIL JUDGE, KANDUKUR.