

**IN THE COURT OF THE JUNIOR CIVIL JUDGE, KOTA,
SPSR NELLORE DISTRICT**

Present : - SRI. CH.BHARATH KAMAL,
JUNIOR CIVIL JUDGE, KOTA

FRIDAY, THE SECOND DAY OF DECEMBER, TWO THOUSAND AND
TWENTY TWO

Original Suit No: 41 of 2020

Between:

1. Kattammuri Venkataiah S/o.Late
Ragaiah, Hindu, Aged about 40 Years

2. Kattammuri Rama Subbamma W/o.Late
Ragaiah, Hindu, Aged about 65 Years,
both are residing at Maddali Panchayat
Village, Kota Mandal, SPSR Nellore
District.

...Plaintiffs

And

1. Darla Chandraiah S/o.Bichalaiah,
Hindu, Aged about 50 Years, Agriculturist

2. Darla Ravi S/o.Bichalaiah,Hindu, Aged
about 45 Years, Agriculturist

3. Kattina Hari Babu S/o.Manneeah,
Hindu, Aged about 35 Years, Private
employee

4. Darla Siva Prasad S/o.Ravi, Hindu,
Aged about 32 Years, Apache employee

5. Kadiveti Koteswara Rao S/o.Ramaiah,
Hindu, Aged about 38 Years, Private
employee

6. Darla Srinivasulu S/o.Ramanaiah,
Hindu, Aged about 32 Years, cook

7. Kadiveti Mahesh S/o.Ramaiah, Hindu,
Aged about 32 Years, All are residents of
SC Colony, Maddali Village & Panchayat,
Kota Mandal, SPSR Nellore District.

...Defendants

This suit is coming on 25-11-2022 before me for final hearing in the presence of Sri. G.Subbalakshmi, Counsel for plaintiff and the defendants had remained exparte, and upon hearing arguments of learned counsel for plaintiff, upon considering the material available on record and having stood over the matter for consideration, till this day the court delivered the following:

J U D G M E N T

This suit is filed by the plaintiff for permanent injunction restraining the defendants, their men and agents from interfering with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property with eucalyptus plantation and for costs of the suit.

2. The brief averments in the plaint in precise are as follows:

The plaintiffs submits that the 1st plaintiff is the son and 2nd plaintiff is the wife of the deceased Ragaiah and he was granted Ac.2.15 cents in S.No.144/3, Patta No.268 in or about 1980. By that time the plaint schedule property was uneven. Therefore, plaintiff father spent Rs. 50,000/- with his exerts reclaimed the schedule property and make it fit for cultivation raising the eucalyptus and eking of livelihood since then. The plaintiff father died about 20 years ago leaving behind 2nd plaintiff and 3 sons, out of 3 sons 3rd son died another son went on illatom to his father-in-law house at Parlapalli, Ozili Mandal, 1st plaintiff is the second son. During the life time of deceased Ragaiah, his name is entered in Village Accounts for Fasili 1398,1399,1410 & 1412 as enjoydar and he obtained Ryot Pass Book in his name. By efflux of time Ryot pass book was torn Therefore Xerox Copies are filing and 10-1 also stands in name of Ragaiah. After the death of Ragaiah, the 1st plaintiff has been in possession and enjoyment of the Ac.2.15 cents. The revenue department recognized his possession and entered in revenue records and permitted the 1st plaintiff to mortgaged in any Nationalized bank or any Cooperative bank as such the 1st plaintiff obtained crop loan in APGB in 2018. The 1st plaintiff also raising eucalyptus tress in the schedule mentioned land and his name is entered in Adangals for Fasili 1426 & 1428 as enjoydar and now there is a standing crop in schedule property and the said eucalyptus trees has to cut off and to transport the trees and to sell to the others. Since 7 months defendants are obstructing to cut off

the trees. While demanding to give Ac.1.00 cents, because Ac.2.15 cents became eyesore to the defendants and purposefully obstructing to cut off with their demands. Pattadar pass books and title deeds are not issued by the MRO to the entire village.

3. The plaintiffs further submits that the defendants and their men totally 100 families are residing in that village, though the 1st defendant has Ac.2.00 cents and raising eucalyptus trees and Ac.0.50 cents of wet land in the name of his wife and raising paddy therein. 2nd defendant owned and possessed Ac.1.50 cents dry land and raising eucalyptus trees. 3rd defendant owned Ac.0.50 cents and paddy is raising, 6th defendant owned and possessed Ac 2.00 cents in eucalyptus trees. All defendants are habituated to create fake records while influencing the revenue record and try to trespass into the vacant site where ever they found as such with fake revenue records used to occupy the lands if anybody confront they used to blackmail weaker section group and also changed the parties and used to join in the ruling party to get support even from the outsiders to threat and to blackmail the weaker sections to trespass into the sites. As such now the defendants are threatening the plaintiffs. The plaintiffs family is the only single family in that village, but the defendants has got the support of 100 families. Plaintiffs belonged to the separate sect, taking advantage of political support and backing all the defendants jointed together and demanding to give Ac.1.00 cents of land out of Ac.2.15 cents. The defendants are notorious litigants and openly giving out in that village that they will not permit to cutoff the eucalyptus and transport themselves. As such preventing and obstructing the plaintiff to cut off the trees in the plaintiff schedule property by the plaintiff. The plaintiffs further submits that they have no support, they have not even dare enough to give police report, since 7 months all

the defendants demanding the 1st plaintiff to give Ac.1.00 out of Ac.2.15 cents of land with their avaricious nature and obstructing to cut off and sell the eucalyptus trees. The eucalyptus for only their livelihood except the schedule mentioned property there is no alternative source of livelihood otherwise plaintiffs will be put to starvation. Hence the suit.

4. Sri. A.Mohan, Advocate filed Vakalat for D1 to D7 and posted for written statements. D1 to D7 did not file written statement within stipulated time. D1 to D7 called absent, no representation on behalf of defendants. Hence, they were set ex.parte.

5. During the course of trial, the 1st plaintiff himself examined as Pw1 and exhibited Ex.A1 to A8 are marked.

6. During the course of hearing, the counsel for the plaintiff reinstated contents raised in pleadings and prayed to pass decree in favour of plaintiff.

7. Heard the learned counsel for plaintiff and perused the material on record.

8. Now the point germane for consideration is :

(i) Whether the plaintiff is entitled to seek permanent injunction as prayed for?

POINT :

9. To prove the plaintiff's case, the 1st plaintiff is himself examined as Pw1. He categorically testified that he is the 2nd son of the deceased Raghaiah and 2nd plaintiff is his mother and Government has granted Ac.2.15 cents in S.No.144/3, Patta No.268 in or about 1980 to his father, by that time the plaint schedule property was uneven. Therefore, his father spent Rs. 50,000/- with his exerts reclaimed the schedule property and make it fit for cultivation raising the eucalyptus and eking of livelihood since then and his father was died about 20 years ago leaving behind 2nd plaintiff and 3 sons, out of 3 sons 3rd son died another

son went on illatom to his father-in-law house at Parlapalli, Ozili Mandal, 1st plaintiff is the second son. Pw1 testified that during the life time of deceased Ragaiah, his name is entered in Village Accounts for fasili 1398,1399,1410 & 1412 as enjoydar and he obtained Ryot Pass Book in his name. By efflux of time Ryot pass book was torn. Therefore xerox copies are filing and 10-1 also stands in name of Ragaiah. After the death of Ragaiah, Pw1 has been in possession and enjoyment of the Ac.2.15 cents and the revenue department recognized his possession and entered in revenue records and permitted the Pw1 to mortgaged in any Nationalized bank or any Cooperative bank as such Pw1 obtained crop loan in APGB in 2018. Pw1 testified that he also raising eucalyptus tress in the schedule mentioned land and his name is entered in Adangals for fasili 1426 & 1428 as enjoydar and now there is a standing crop in schedule property and the said eucalyptus trees has to cut off and to transport the trees and to sell to the others. Pw1 testified that since 7 months defendants are obstructing to cut off the trees, while demanding to give Ac.1.00 cents, because Ac.2.15 cents became eyesore to the defendants and purposefully obstructing to cut off with their demands.

10. Pw1 further testified that defendants and their men totally 100 families are residing in that village, though the 1st defendant has Ac.2.00 cents and raising eucalyptus trees and Ac.0.50 cents of wet land in the name of his wife and raising paddy therein. 2nd defendant owned and possessed Ac.1.50 cents dry land and raising eucalyptus trees. 3rd defendant owned Ac.0.50 cents and paddy is raising, 6th defendant owned and possessed Ac 2.00 cents in eucalyptus trees. All defendants are habituated to create fake records while influencing the revenue record and try to trespass into the vacant site where ever they found as such with fake revenue records used to occupy the lands if anybody confront they used to

blackmail weaker section group and also changed the parties and used to join in the ruling party to get support even from the outsiders to threat and to blackmail the weaker sections to trespass into the sites. As such now the defendants are threatening the Pw1. The Pw1's family is the only single family in that village, but the defendants has got the support of 100 families and Pw1 belonged to the separate sect, taking advantage of political support and backing all the defendants jointed together and demanding to give Ac.1.00 cents of land out of Ac.2.15 cents. The defendants are notorious litigants and openly giving out in that village that they will not permit to cutoff the eucalyptus and transport themselves. As such preventing and obstructing the Pw1 to cut off the trees in the plaint schedule property. The Pw1 testified that he has no support, he has not even dare enough to give police report, since 7 months all the defendants demanding the Pw1 to give Ac.1.00 out of Ac.2.15 cents of land with their avaricious nature and obstructing to cut off and sell the eucalyptus trees. The eucalyptus for only their livelihood except the schedule mentioned property there is no alternative source of livelihood.

11. The defendants 1 to 7 did not contest the matter remained ex.party and Pw1 was not cross examined. Therefore, the testimony of Pw1 is remains unrebutted.

12. This court has no option except believing the testimony of Pw1. The oral testimony of Pw1 couple with Ex.A1 to A8 documents. On perusal of Ex.A1 xerox copy of 10-1 stands in the name of Pw1's father, Ex.A2 is ryot pass book issued by MRO stands in the name of Pw1's father Ragaiah, Ex.A3 is certificate issued by the MRO to mortgage the schedule property land to avail loan eligibility card stands in the name of Pw1, Ex.A4 is adangal pahani for fasali 1428 stands in the name of Pw1, Ex.A5 is land details given in the form of Mee bhoomi in online, Ex.A6 is village accounts for fasali 1398, 1399, 1410 and 1412 obtained

under RTI stands in the name of Pw1’s father, Ex.A7 is field measurement sketch for S.No.143 issued by Tahsildar under RTI Act, Ex.A8 is 4 photographs with CD. Ex.A1 to Ex.A8 documents clearly shows that the father of Pw1 has been in possession and enjoyment of schedule property after his death Pw1 has been in possession and enjoyment of the plaint schedule property as on the date of filing of the suit. Hence, the plaintiff is entitled for decree against the defendants.

IN THE RESULT, the suit is decreed with costs, permanent injunction is granted restraining the defendants and their men, agents and supporters from ever interfering with the peaceful possession and enjoyment and eucalyptus plantation of the plaintiff over the plaint schedule property.

Typed to my dictation to the Stenographer Grade-III, corrected and pronounced by me in the Open Court, on this the 2nd day of December, 2022.

Sd/- Ch.Bharath Kamal
JUNIOR CIVIL JUDGE,
KOTA

Appendix of Evidence
WITNESS EXAMINED

For Plaintiff		For Defendants
Pw1 :	K.Venkataiah	-NIL-

DOCUMENTS MARKED FOR PLAINTIFF

S.No	Date of Document	Description of Document
Ex.A1 :	—	Xerox copy of 10-1 stands in the name Pw1’s father Raghaiah.
Ex.A2 :	--	Ryot pass book issued by MRO stands in the name of Pw1’s father Ragaiah.
Ex.A3 :	--	Certificate issued by the MRO to mortgage the schedule property land to avail loan eligibility card stands in the name of Pw1.
Ex.A4 :	--	Adangal pahani for fasali 1428 stands in the name of Pw1.
Ex.A5 :	--	Land details given in the form of Mee bhoomi in online.

Ex.A6 :	--	Village accounts for fasali 1398, 1399, 1410 and 1412 obtained under RTI stands in the name of Pw1's father.
Ex.A7 :	--	Field measurement sketch for S.No.143 issued by Tahsildar under RTI Act.
Ex.A8 :	--	4 photographs with CD.

DOCUMENTS MARKED FOR DEFENDANTS
-NIL-

Sd/- Ch.Bharath Kamal
Junior Civil Judge
Kota