

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE,
AT :: BHUVANAGIRI**

Present: Smt M.USHASHREE,
Principal Senior Civil Judge,
Bhuvanagiri.

Tuesday, this the 28th day of April, 2026

O.S.No.162 of 2024
(Old OS.No.178 of 2015)

Between :-

Bandru Raja Mallaiah, S/o.Isthari, aged about 64 years, Occ:Retired Head Master, R/o.Bahadurpet Village of Alair Mandal, Dist.Nalgonda.

...Plaintiff

A N D

1. Bodapatla Isthari, S/o.Late Gandaiah, aged about 50 years
2. Bodapatla Balnarsimha, S/o.Beerappa, aged about 55 years
3. Bodapatla Lingamma, W/o.Beerappa, aged about 75 years

All are R/o.Hanumanwada, Bhongir Town, Dist.Nalgonda

...Defendants

This suit is coming for final hearing before me in the presence of Sri Ch.Narendra Prasad, counsel for the plaintiff, and of Sri S.Sreekanth, counsel for Defendant No.1 and of Sri N.Malleswar, counsel for defendant No.2, and the matter having stood over for consideration till this day, the court delivered the following:-

: J U D G M E N T :

This is a suit filed by the plaintiff seeking the relief of **perpetual injunction** restraining the defendants, their family members, henchmen, supporters, workmen or any person claiming through them from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

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2. **The brief facts of the plaint are that :-**

The plaintiff is the absolute owner and possessor of the house plot bearing Plot No.11 in Sy.No.18, admeasuring 355 Sq. Yards, situated at Bhongir Revenue Village of Bhongir Mandal, District Nalgonda, more fully described in the suit schedule property.

3. The plaintiff purchased the said property from Defendant No.2 and one Late Bodapatla Gandaiah, who is the father of Defendant No.1, under a Registered Sale Deed bearing Document No.1482/1985, dated 04-07-1985. Ever since the date of purchase, the plaintiff has been in actual, physical and uninterrupted possession and enjoyment of the same as absolute owner. After purchase, the plaintiff leveled the suit schedule plot and fixed stone pillars around it in the year 1985 itself and has been continuing in possession and enjoyment. The plaintiff made an application to the Commissioner, Municipality, Bhongir, and the Commissioner accorded permission vide Proceedings No.G1/1810/2015/70, dated 07-11-2015, to construct a compound wall and a room in the South-West corner. Thus, the plaintiff claims to be in physical possession and enjoyment of the suit schedule property. While so, on 09-11-2015, when the plaintiff proceeded with construction in accordance with the said permission, the defendants, who are allegedly having no concern with the suit schedule property, attempted to interfere with the plaintiff's peaceful possession and enjoyment with an intention to usurp the property. It is stated that the defendants, along with some unsocial elements, came to the suit schedule property, removed and damaged the stone pillars fixed by the plaintiff in the

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year 1985, and obstructed the workers engaged in digging trenches for construction. The plaintiff resisted the said acts with the support of elders and well-wishers.

4. It is further stated that again on 15-11-2015, the defendants along with some unsocial elements attempted to interfere with the plaintiff's possession, but the plaintiff resisted the same with the help of elders and well-wishers. Thereafter, the plaintiff approached the SHO, Bhongir Town and lodged a complaint, but no action was taken, and the plaintiff was advised to approach the Court. It is also alleged that the defendants threatened the plaintiff and his family members with dire consequences and expressed their intention to dispossess the plaintiff by taking advantage of his old age. The plaintiff submits that he is a law-abiding citizen, whereas the defendants are powerful and influential persons having support of unsocial elements, and thus he is constrained to file the present suit seeking perpetual injunction. Hence, the suit.

5. Summons were served on Defendant Nos.1 & 2 and Defendant Nos.1 & 2 filed written statement denying the plaint averments as false and baseless. The defendants contended that the suit is not maintainable either in law or on facts and is liable to be dismissed in limine. It is further contended that the suit is filed against a dead person i.e., Defendant No.3, who died prior to filing of the suit, and Defendant No.2 is an unnecessary party having no concern with the alleged property.

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6. The defendants specifically denied that the plaintiff is the owner or possessor of the house plot bearing Plot No.11 in Sy.No.18 admeasuring 355 Sq. Yards situated at Bhongir Revenue Village, Bhongir Mandal, Nalgonda District, or that he purchased the same under Registered Sale Deed bearing Document No.1482/1985 dated 04-07-1985. They also denied the alleged possession, leveling of land, fixing of stone pillars in the year 1985, and obtaining of permission from Municipality, Bhongir vide Proceedings No.G1/1810/2015/70 dated 07-11-2015. The defendants further denied the alleged interference on 09-11-2015 and 15-11-2015, damage to stone pillars, obstruction to construction work, and alleged threats. They contended that the said allegations are false and invented for the purpose of the suit.

7. It is the specific case of the defendants that the father of Defendant No.1, namely Bodapatla Gandaiah, was the pattedar and possessor of land bearing Sy.No.18 admeasuring Ac.01-03 Gts, Sy.No.19/1 admeasuring Ac.00-01½ Gts, and Sy.No.43 admeasuring Ac.00-38½ Gts, total admeasuring Ac.02-03 Gts, situated at Bhongir Revenue Village and Mandal, Nalgonda District, and the same was purchased from one Vadicherla Bixapathi under an unregistered sale deed and was reflected in revenue records. After his death, the said property was mutated in the name of Defendant No.1, who is in possession and enjoyment of the same and raising crops. It is further stated that Defendant No.1 filed O.S.No.123 of 2013 for perpetual injunction, which is pending. Similarly, the deceased Defendant No.3, namely Bodapatla Lingamma, was the

pattedar and possessor of lands bearing Sy.No.18/U admeasuring Ac.01-03¼ Gts, Sy.No.19/1/AA admeasuring Ac.00-01¾ Gts, and Sy.No.43/A admeasuring Ac.00-38½ Gts, total admeasuring Ac.02-03¼ Gts, and she also filed O.S.No.120 of 2013 and obtained interim orders. It is stated that she died on 09-05-2015, prior to filing of the present suit.

8. The defendants contended that neither the father of Defendant No.1 nor Defendant No.3 ever sold any land to the plaintiff or to anyone, and the alleged sale deed relied upon by the plaintiff is false. It is further contended that the land in Sy.No.18 is agricultural land, used for cultivation, and not converted under NALA. The defendants also alleged that the plaintiff, in collusion with municipal authorities, created false permission proceedings. It is further contended that the suit schedule property is not in existence on the ground and is a created document by the plaintiff to grab the land of the defendants. The defendants asserted that the plaintiff is not in possession of the suit schedule property, and therefore, the question of interference does not arise. The defendants also contended that the cause of action is false and imaginary, the suit is barred by limitation, and the Court has no jurisdiction. Hence, they prayed for dismissal of the suit with costs.

9. In order to prove the suit claim of the plaintiff before this court, the plaintiff has got examined himself as PW.1 and got marked Exs.A1 to A10 in his favour. The plaintiff has also examined one Bhumandla Ilaiah as PW.2.

10. On the other hand, despite being granted several opportunities, the defendants did not cross-examine PW.1 and PW.2 and did not adduce any evidence on their behalf. Hence, the defendants' evidence was closed.

11. Heard the arguments of counsel for plaintiff and perused the entire case record.

12. Basing on the above rival contentions, the following issues were settled for the purpose of trial:

1. *Whether the plaintiff is entitled for granting of perpetual injunction restraining the defendants from ever interfering into the peaceful possession and enjoyment of plaintiff over the suit schedule property as prayed for ?*
2. *To what relief?*

PLAINTIFF EVIDENCE :

13. The Plaintiff himself was examined as PW.1 and re-iterated the Plaintiff averments in his chief examination and got marked Exs.A1 to A10 in his favour. **Ex.A1** is the Original Registered Sale Deed bearing Document No.1482/1985 dated 04-07-1985 (Page Nos.1 & 2), which discloses that the plaintiff purchased Plot No.11 in Sy.No.18 admeasuring 355 Sq. Yards situated at Bhongir Village from Defendant No.2 and father of Defendant No.1. This document establishes the origin of title of the plaintiff. **Ex.A2** is the Building Permission Order issued by the Municipal Commissioner, Bhongir vide File No.G1/1810/2015/70 dated 09-11-2015 (Page No.3), along with sketch map,

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permitting the plaintiff to construct compound wall and structure in Plot No.11 in Sy.No.18. This document supports the plaintiff's possession and intention to develop the property. **Ex.A3** is the Encumbrance Certificate dated 05-10-2015 (Page No.4), which shows that there are no encumbrances over the suit schedule property for the relevant period, thereby supporting the claim of the plaintiff. **Ex.A4** is the attested copy of FIR in Cr.No.308/2015 of PS Bhongir Town (Page No.5), indicating that a criminal case was registered in relation to the dispute concerning the suit schedule property. **Ex.A5** is the attested copy of complaint lodged by the plaintiff before SHO, PS Bhongir Town dated 24-05-2016 (Page No.6), showing that the plaintiff approached police authorities complaining interference. **Ex.A6** consists of acknowledgments of receipt of complaints dated 24-08-2016, 19-09-2016 and 18-12-2016 (Page No.7), evidencing that the complaints were officially received. **Ex.A7** are copies of complaints submitted to higher police authorities i.e., DCP, Yadadri-Bhongir District dated 25-10-2016 and Commissioner of Police, Rachakonda Commissionerate dated 02-12-2016 (Page Nos.8 & 9), which further indicate continuous grievance of interference by the plaintiff. **Ex.A8** is the copy of docket sheet in Praja Dharbar at Police Commissionerate (Page No.10), showing that the grievance of the plaintiff was taken up at administrative level. **Ex.A9** is the copy of Memo issued by the Assistant Commissioner of Police, Bhongir dated 02-12-2016 (Page No.11), directing the Inspector of Police, PS Bhongir Town to take necessary action on the complaint of the plaintiff. **Ex.A10** consists of photographs along with CD, which are filed to show the

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physical condition of the suit schedule property and alleged acts of interference.

ISSUE No.1 : *"Whether the plaintiff is entitled for granting of perpetual injunction restraining the defendants from ever interfering into the peaceful possession and enjoyment of plaintiff over the suit schedule property as prayed for ?*

14. The suit is one for bare injunction, and therefore the primary question that arises for consideration is "Whether the plaintiff is in lawful possession of the suit schedule property as on the date of filing of the suit, and whether there is interference by the defendants?"

15. It is the specific case of the plaintiff that he purchased the suit schedule property under Ex.A1 – Registered Sale Deed dated 04-07-1985, and since then he has been in continuous possession and enjoyment of the same. The said document clearly discloses that the plaintiff purchased Plot No.11 in Sy.No.18 admeasuring 355 Sq. Yards from Defendant No.2 and the father of Defendant No.1. Thus, Ex.A1 establishes the origin of title.

16. Further, the plaintiff relied upon Ex.A2 – Building Permission, which shows that the competent municipal authority granted permission to the plaintiff for construction in the suit property. Grant of such permission prima facie indicates that the plaintiff is treated as a person in possession of the property. The plaintiff

has also filed Ex.A3 – Encumbrance Certificate, which supports that there are no adverse entries affecting his claim. Though EC is not a title document, it corroborates the plaintiff's case. Further, Exs.A4 to A9 (FIR, complaints, acknowledgments, police correspondence) consistently show that the plaintiff has been complaining about interference by the defendants. These documents establish that there existed a dispute and alleged interference. Ex.A10 photographs also probabalise the existence and identity of the suit property and the acts complained of.

17. It is significant to note that though the defendants filed written statement disputing the claim of the plaintiff, they have Not cross-examined PW.1 and PW.2, and Not adduced any evidence on their behalf. Failure to cross-examine a witness on material aspects amounts to acceptance of such testimony. The oral evidence of PW.1 and PW.2, coupled with documentary evidence, therefore remains unchallenged and unrebutted. Though the defendants contended that the sale deed is false and that the property is agricultural land, no evidence whatsoever is placed before this Court to substantiate such plea.

18. It is a settled principle of law that in a suit for injunction, possession is the key factor, and even a person in settled possession is entitled to protection against unlawful interference.

19. *In the present case* : The plaintiff has produced a registered sale deed (Ex.A1), Municipal permission (Ex.A2), and Consistent complaints showing

interference. All these collectively establish that the plaintiff is in possession of the suit schedule property.

20. The oral evidence of PW.1 and PW.2, supported by Exs.A4 to A9, clearly shows that the defendants attempted to interfere with the possession of the plaintiff. Since this evidence remains unchallenged, the same is liable to be accepted. The defendants contended that The property belongs to them, The sale deed is false, The land is agricultural and not converted. However, these contentions relate to title dispute, which cannot be conclusively decided in a bare injunction suit, especially in the absence of evidence from the defendants. Even otherwise, the defendants have failed to establish their possession.

21. In view of the above discussion, this Court holds that the plaintiff has successfully proved his possession over the suit schedule property, and the defendants have interfered with such possession. Accordingly, Issue No.1 is answered in favour of the plaintiff.

ISSUE No.2 : *To what relief?*

22. In view of the findings on Issue No.1, the plaintiff is entitled to the relief of perpetual injunction.

23. In the result, the suit of the plaintiff is decreed by granting perpetual injunction in favour of plaintiff restraining the defendants, their family members, henchmen, supporters, workmen or any person claiming through

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them are hereby permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property. No order as to costs.

Dictated to the Stenographer Grade-III, transcribed by him, corrected and pronounced by me in the open court, on this the 28th day of April, 2026.

Sd/-
Prl. Senior Civil Judge,
Bhuvanagiri.

Appendix of Evidence
(Witness examined)

FOR PLAINTIFF :

P.W.1 : Bandru Raja Mallaiah

P.W.2 : Bhumandla Ilaiah

FOR DEFENDANTS : - NIL -

EXHIBITS MARKED

FOR PLAINTIFF :

- Ex.A1 :** Original Registered Sale Deed vide Document bearing No.1482/1985, dated 04.07.1985
- Ex.A2 :** Original construction permission issued by Municipal Commissioner, Bhongir along with sketch map
- Ex.A3 :** Statement of encumbrance property, dt:05.10.2015 on application No.707124
- Ex.A4 :** Attested copy of FIR in Cr.No.308/2015 of PS Bhongir Town
- Ex.A5 :** Attested copy of complaint lodged before SHO PS Bhongir Town on 24.05.2016
- Ex.A6 :** Acknowledgments of receipt of complaint, dated 24.08.2016, 19.09.2016 and 18.12.2016
- Ex.A7 :** Copy of complaint sent to DCP, Yadadri-Bhongir District on 25.10.2016 and the Commissioner of Police, Rachakonda Commissionerate, dt:02.12.2016
- Ex.A8 :** Copy of docket sheet in Praja Dharbhar at Police Commissionerate

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Ex.A9 : Copy of Memo addressed by the ACP, Bhongir to the Inspector of Police,
PS Bhongir Town, dt:02.12.2016

Ex.A10 : 6 positive photographs along with CD

FOR DEFENDANTS : -NIL-

Sd/-
Prl. Senior Civil Judge,
Bhuvanagiri.

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