

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (JUNIOR DIVISION) ::
GUDUR :: SPSR NELLORE DISTRICT**

Present : **Smt. B.V.SULOCHANA RANI**,
Principal Civil Judge (Jr. Division), Gudur.

Dated, this the 17th day of February, 2026

IA No.606 of 2025
OS No.291 of 2025

Pandipati Srinivasulu Reddy S/o.Late Venkata
Subba Reddy, Aged about 63 Years,
Agriculturist, Resident of Nandivaya Village,
Podalakur Mandal, SPSR Nellore District.

... **Petitioner/
plaintiff**

Versus

1. Somavarapu Sridhar Reddy S/o.Late Ramana Reddy, Aged about 51 Years, Agriculturist;
2. Somavarapu Srinivasulu Reddy S/o. Late Ramana Reddy, Aged about 47 Years, Agriculturist;
3. Somavarapu Prasanna @ Prasuna W/o. Srinivasulu Reddy, Aged about 39 Years, Agriculturist; Respondents 1 to 3 are residents of Nandivaya Village, Podalakur Mandal, SPSR Nellore District.

... **Respondents/
Defendants 1 to 3**

The Tahsildar, Podalakur,
SPSR Nellore District.

... **Defendant No.4**

(The petitioner has not shown D4 as a party to the present petition)

This petition is coming on 05.02.2026 before me for hearing in the presence of **Sri. U.Sreenivasulu Reddy**, Advocate for petitioner/plaintiff and **Sri A.Vijaya Bhaskar**, Advocates for respondents/defendants, and having stood over for consideration till this day, this Court made the following: -

ORDER

This is a petition filed by the petitioner/plaintiff against the respondents/defendants 1 to 3 Under order 39 Rule 1 and 2 Civil Procedure Code to grant temporary mandatory injunction directing the respondents/defendants 1 to 3,

their men, agents and followers to remove encroachment of C D points petition B schedule property for ingress and egress to continue the agricultural operations for transportation of agricultural implements and yields, by the petitioner on the above lines and for costs of the petition. (Herein after referred them as petitioner and respondents in their original status in the petition, for brevity).

2. Brief contents of the petition affidavit are as follows :

The petitioner pleaded that he has to transport the agricultural implements and yieldings through the petition B schedule property; except the petition B schedule passage there is no other passage for transportation of agricultural implements and yieldings; The 4th respondent i.e. Tahsildar is very much pleased to direct the respondents 1 to 3 for removal of obstruction, even then the respondents 1 to 3 being unruly elements having commanding in the village and other institutions, had not remove the obstructions, due to that he is unable to transport agricultural implements and yields through the public passage described in plaint B schedule. On 28.09.2025, the respondents 1 to 3, threaten and challenged the petitioner at any costs they will capture plaint B schedule property from A to M points as shown in rough sketch/public passage. Due to that it causes obstruction to the petitioner and other farmers to pass through the plaint B schedule passage and to transport their agricultural implements and yieldings. Hence, the petition.

3. On receipt of notice, the 1st respondent filed counter. R2 and R3 filed adoption memo by adopting the counter of R1 for them.

Brief contents of the counter filed by the R1 and adopted by R2 & R3 is as follows :

4. Initially the respondents denied all the allegations made by the petitioner in his petition affidavit except those are specifically admitted by them as true and correct.

5. Thereafter, the respondents pleaded that the total extent of Ac.4.39 cents in S.No.49 of Nandivaya village is a government land, the ancestors of respondents had occupied the entire Ac.4.39 cents of land and reclaimed the same by cleaning the jungle and bushes, made it fit for cultivation with their hard labour and also invested the meager amount earned by them. The ancestors of the respondents used to raise dry crop therein, on 3 sides i.e. east, south raised thorny fencing and west raised barbed wire fencing. On the western side some extent there is kattuva and some extent towards east from filter point japan babul thorny fencing and to some extent barbed wire fencing is raised. From the age of discretion of the 1st respondent his father was been raising dry crops and enjoying the same. His father sunk two filter points and using one filter point and raised mango and lemon garden, the age of mango trees are more than 25 years, lemon trees about 20 years and in between lemon trees in the gaps dry crops like mirchy etc are being raised. Till the life time of father of the 1st respondent, he was enjoying total Ac.4.39 cents.

6. The 1st respondent further pleaded that there are disputes in between the petitioner and father of the 1st respondent politically. The father of 1st respondent has applied for grant of patta for the above said Ac.4.39 cents and the revenue authorities granted assignment patta for the entire land in favour of the 1st respondent vide RCB No.1233 of 1991 vide F.Dis No.2/DAR/1403 dated 24.08.1993 and in the said patta it is clearly mentioned that Ac.3.00 and Ac.1.39 cents in total Ac.4.39 cents were granted patta and the father of the 1st respondent was enjoyed the same till his life time, later, the respondents 1 to 3 are enjoying the total extent. The revenue authorities has issued pattadar passbooks for an extent of Ac.3.00 cents and by

creating a notional sub division as 49/1 and the copy of FMB given along with passbook does not bare the sub divisions in S.No.49. Then the father of the 1st respondent making representation to different revenue officials for granting pattadar passbook for remaining land which is in the possession of the father of the 1st respondent. On repeated representations, the revenue officials granted patta for another extent of Ac.0.73 cents in the name of 3rd respondent by allotting the notional survey number 49/2 and kept another extent of Ac.0.66 cents in abeyance at the influence of the petitioner. Now the Ac.0.66 cents has been claimed by the petitioner and got made an entry in revenue record as donka but in fact no such donka is existence. Now there are lemon trees in the land in S.No.44/3 which are now aged about 20 years. Now with the political influence of petitioner, the petitioner wants to remove the standing lemon trees and created a new way to his land.

7. The respondents pleaded from time immemorial the petitioner and these respondents are reaching their lands from eastern side through forest land and the petitioner used to reach his land through S.No.50 which is also a government land, the petitioner and his ancestors never reached plaint A schedule property through S.No.49 belongs to the respondent at any point of time. The petitioner has no right over S.No.49/3 and the petitioner was never in possession and enjoyment of the S.No.49/3. Hence, the suit for declaration that the plaint B schedule property is a public passage and the relief of mandatory injunction for removing obstruction is not maintainable and is liable to be dismissed. Finally, prayed for dismissal of the petition with costs.

8. Heard both sides. Besides oral arguments the respondents filed written submissions.

9. The petitioner filed Ex.P1 to P15 in support of his contention. On the other hand, the respondents did not file any documents before the court.

10. Now the point arose for consideration is :

Whether the petitioner is entitled interim mandatory injunction in respect of suit B schedule property and to get remove the obstruction at C D points as shown in the plaint plan, as prayed for ?

POINT :

11. Perused the record. This is a suit filed by the petitioner/plaintiff against the respondents/defendants for declaration of his right and title over the plaint A schedule property and for consequential relief of permanent injunction, besides that mandatory injunction by directing the respondents 1 to 3 not to restrain the petitioner from his ingress and egress through plaint B schedule property as it is a public passage and for removal of obstruction in between A to M points which shown in rough sketch in the plaint B schedule property .

12. As per the plaintiff, he is the absolute owner of plaint A schedule property, he is in possession and enjoyment of the same he raised lemon garden in the said property since time immemorial, he is passing through plaint B schedule property to reach plaint A schedule property with agricultural implements and to transport the yieldings. But the respondents 1 to 3 by raising an iron grill gate at C D points in plaint B schedule property caused obstruction for his ingress and egress to reach his plaint A schedule property through plaint B schedule passage.

13. On the other hand, the respondents pleaded that during the life time of their father, he occupied the entire extent of Ac.4.39 cents in S.No.49 and he had been in Fair Order

possession and enjoyment of the same, the revenue authorities has granted patta in favour of his father for an extent of Ac.3.00 cents and subsequently for an extent of Ac.0.76 cents in the name of 3rd respondent, pattadar passbook and title deeds were also issued in favour of their father, but the petitioner by using his political influence for the remaining Ac.0.66 cents of land got entered in revenue record as it was passage but there is no such passage physically on land and there are lemon trees in the said passage, as such, the petitioner is not entitled for any relief as prayed by him in the petition.

14. In support of entire contentions of both parties as mentioned above, the petitioner relied upon Ex.P1 to P15. In support of contention of petitioner, the petitioner obtained D patta which issued in favour of the father of the 1st respondent under RTI in which the father of the 1st respondent was granted patta for an extent of Ac.3.00 cents alone and further, subsequently in the name of 3rd respondent they obtained patta for another extent of Ac.0.76 cents and Ac.0.66 cents of land which was effected with sub division as 49/3 of Nandivaya village is shown as donka. In support of that contention the petitioner relied upon Exhibits P4 to P6 to show for an extent of Ac.0.66 cents in S.No.49/3 of Nandivaya village is a donka and Exhibit P7 relied by the petitioner discloses that in 49/1 for an extent of Ac.3.00 cents of land alone stands in the name of Somavarapu Ramana Reddy i.e. father of respondents.

15. Exhibit P8 discloses that land parcel 363 in S.No.49/2 for another extent of Ac.0.73 cents alone stands in the name of 3rd respondent. Exhibit P9 is nothing but served copy of plaint along with document in OS 241/2025 on the file of this court to show that the respondents herein manipulated the record and filed a patta as if it was

issued by the revenue authorities in the name of father of the respondents for an extent of Ac.4.39 cents in S.No.49 of Nandivaya village. Exhibit P10 is another certified copy of plaint and written statement in OS 198/2016 on the file of this court to show that one Somavarapu Indiramma has filed suit against father of the respondent and others herein.

16. Further the petitioner relied upon Exhibit P11 which is nothing but copies of documents obtained by the petitioner under RTI for the fasalis 1401 to 1423, assignment review committee report, assignment patta granted to Somavarapu Ramana Reddy and representations addressed by late Ramana Reddy, letter addressed by RDO, Nellore, Field map etc. which clearly discloses that initially the revenue authorities has issued patta to the father of the 1st respondent for an extent of Ac.3.00 cents only and the rest of Ac.1.39 cents was not given patta to him. Further the petitioner relied upon Exhibit P13 orders of the Hon'ble High court passed in WP 19424/2025 which filed by respondents herein against the revenue authorities by way of writ of mandamus declaring the notice issued by the Tahsildar, Podalakur to the petitioners under section '6' of land encroachment Act 1905 without passing any reasoned order to evicting the respondents from the land admeasuring Ac.0.66 cents in S.No.49/3 of Nndivaya village Podalakur. The Hon'ble High court of AP allowed the said writ petition by setting aside the orders passed by Tahsildar, Podalakur Under Sec.6 of the land Encroachment Act dated 15.07.2025 and matter is remitted to Tahsildar, Podalakur with a direction that the Tahsildar, Podalakur shall pass an appropriate order after considering the explanation of the petitioners in the writ petition, by providing an opportunity to them for hearing of the petitioner therein.

Further, gave a direction to Tahsildar, Podalakur to complete the entire exercise as expeditiously as possible, within two months from the date of receipt of copy of order and further directed the petitioner therein has a right to appeal Under 10 of the Act and until expiry of that time shall not take any coercive steps by the Tahsildar, Podalakur.

17. Exhibit P14 clearly discloses that the Tahsildar, Podalakur has passed orders as per the direction given by Hon'ble High court of AP in writ petition against the respondents herein and further they were directed if they has any objection against the orders passed by the Tahsildar, they are at liberty to prefer appeal within 30 days from the date of said orders. Orders passed by Tahsildar on 24.09.2025, later the appeal time was lapsed on 24.10.2025. Exhibit P15 is the plaint rough sketch which indicates the land parcel no.378, 379 and 380 are the parts of land in S.No..49/3 of Nandivaya for an extent of Ac.0.66 cents which is shown as donka. Though the respondents pleaded in their counter that they have been in possession and enjoyment of entire extent of Ac.4.39 cents since time immemorial from the life time of their father nothing is on record to say that they are in possession and enjoyment of the said property during the life time of their father.

18. The another facts appears from the record that from Exhibit P9 some how the respondents herein has filed documents by showing patta was issued in favour of father of 1st respondent for an extent of 4.39 cents but Exhibit P11 discloses that which obtained by the petitioner herein under RTI from the revenue authorities clearly indicates patta had given to the father of 1st respondent initially for an extent of Ac.3.00 cents only, thereafter, on representation made by the respondents another patta was

given in the name of 3rd respondent for an extent of Ac.0.76 cents except that nothing is on record to show that the respondents are in possession and enjoyment of the entire extent of Ac.4.39 cents of land, as such, from the entire record it is very much clear for Ac.3.76 cents of land only in possession and enjoyment of the respondents and from the revenue entries the remaining Ac.0.66 cents of land was in survey no.49/3 with 3 different land parcel numbers i.e. LP no.378, 379, and 380 is shown as donka.

19. The respondents taken a plea that the petitioner by managing revenue authorities got entered in the revenue record as the above said Ac.0.66 cents of land is donka, but in fact it is in their possession and enjoyment. But the respondents failed to place any piece of record to show that since the life time of their father they have been in possession and enjoyment of the said property and they were given with patta for the said disputed Ac.0.66 cents of land.

20. Moreover the revenue authorities has issued number '6' notice under land encroachment Act and passed orders there on with a direction to vacate the land which clearly indicates it is under the illegal encroachment of the respondents without any assignment to them and for eviction of the same the revenue authorities has issued proceedings and against the proceedings of the revenue authorities the respondents approached Hon'ble High court of AP and the Hon'ble High court of AP by setting aside the earlier notice issued by the revenue authorities and remitted the matter to the revenue authorities for a fresh consideration. On that also the revenue authorities passed orders on 25.09.2024 with a direction to the respondents herein that they are at liberty to prefer an appeal before the RDO if they aggrieved with the

orders of the Tahsildar, Podalakur for evection. Nothing placed before this court to show that they preferred appeal before RDO, and it is pending for adjudication. It is not the case of the respondents they preferred an appeal and it was not yet decided. The entire case of the respondents is, their father made several, representation to the revenue authorities seeking patta for an extent of Ac.0.66 cents in S.No.49/3 but revenue authorities did not issue patta to them and the petitioner/plaintiff has no point of time in possession and enjoyment of the said land and it is not a passage. But the revenue entries clearly discloses it is a passage.

21. The respondents has taken a plea in OS 241/2025 the revenue authorities has issued patta for an extent of Ac.4.39 cents to them but whereas in this case taken a plea that only Ac.3.76 cents they got patta. Thus, there are no bonafides on the part of the respondents. However, present petition filed by the petitioner only for removal of obstruction at C D points shown in the rough sketch on the ground that due to the said obstruction it became impossible to the petitioner to transport the yieldings from his land to the market due to that he sustained with irreparable loss and injury. The entire documents discloses primaface case in favour of the petitioner.

22. In support of contentions of petitioner, the petitioner field a memo along with 3 photographs to show the irreparable loss and the entire crop of the lemon trees were fallen down on the ground.

23. On the other hand the respondent is disputing the said memo by stating that those photographs are not belongs to the landed property of the petitioner. But undoubtedly and admittedly there was obstruction caused by the respondents to pass through the lands of the petitioner through the plaint B schedule property i.e. the

disputed Ac.0.66 cents of passage. It is not the case of the respondents that they never caused obstruction to the petitioner or they never installed any gate at C D points by obstructing the petitioner to pass through the said points up to his land etc. Admittedly they erected a gate at C D points. As per the version of petitioner, except the B schedule passage there is no other passage to the petitioner to reach their lands and to transport agricultural implements tractors, and yieldings etc. but as per the version of respondents there was another way to reach the lands of the petitioner through the forest land S.No.50 but nothing placed before this court to show that there is other way and alternative way to the petitioner to reach their lands.

24. Besides all these aspects the petitioner seeking mandatory injunction against the respondents over plaint B schedule property and in the present petition seeking interim mandatory injunction. The petitioner relied upon several judgments of Hon'ble High court of AP to say that though the main relief is for mandatory injunction in the suit, a petition seeking interim mandatory injunction is also maintainable.

25. At the time of arguments the petitioner relied upon other judgments to say that an interim relief for mandatory injunction is maintainable though the suit is for the same relief. In **AIR 1990 SC 867 in between Dorab Cawasji Warden Appellant Vs Dorni Sorab Warden and others Respondents**, the Hon'ble Supreme Court of India held that *"there could be no doubt that the courts can grant such interlocutory mandatory injunction in certain special circumstances. and referred guidelines which were annunciated in other cases by that time. Further, held that the relief of interlocutory mandatory injunctions are thus granted generally to preserve or restore the status quo of the last non-contested status which preceded the pending controversy until the final hearing when full relief may be granted or to compel the undoing of those acts that have been illegally done or the restoration of that which was wrongfully taken from the*

party complaining. Further, granting of such an injunction to a party who fails or would fail to establish his right at the trial may cause great injustice or irreparable harm to the party against whom it was granted or alternatively not granting of it to a party who succeeds or would succeed may equally cause great injustice or irreparable harm, courts have evolved certain guidelines. Generally stated these guidelines are (1) The plaintiff has a strong case for trail. That is, it shall be of a higher standard than a prima facie case that is normally required for a prohibitory injunction. (2) It is necessary to prevent irreparable or serious injury which normally cannot be compensated in terms of money. (3) The balance of convenience is in favour of the one seeking such relief.

Being essentially an equitable relief the grant or refusal of an interlocutory mandatory injunction shall ultimately rest in the sound judicial discretion of the Court to be exercised in the light of the facts and circumstances in each case. Though the above guidelines are neither exhaustive or complete or absolute rules, and there may be exceptional circumstances needing action, applying them as prerequisite for the grant or refusal of such injunctions would be a sound exercise of a judicial discretion”.

26. In the present case in hand, it is an undisputed fact that by the side of the plaint B schedule property the land of the petitioner is existed, Ex.P1 indicates the same and it is not disputed by the respondents that the petitioner raised lemon garden in his landed property. The respondents failed to file any documentary proof before the court to show that there is alternative way to the petitioner to reach his lands. On the other hand the petitioner filed photographs with a memo by showing that the entire crop was yielded and fallen down on the ground it is undisputedly causes irreparable loss and grave injury to a farmer.

27. Moreover, the petitioner seeking removal of the obstruction at C D points in plaint B schedule property as interim relief due to mere granting of said relief no prejudice would be caused to the respondents herein. In these circumstances seeking

interim relief of mandatory injunction for removal of obstruction at C D points will meted all the essential guidelines envisaged by Hon'ble Supreme court of India in the above said judgment. Further the petitioner relied upon other judgments on the same point to say that the court can grant interim mandatory injunction though the main relief is sought for mandatory injunction. Hence, this court felt that it is necessary to protect the crop of the petitioner and in the interest of justice granting interim mandatory injunction in favour of the petitioner.

IN THE RESULT, the petition is allowed by granting interim mandatory injunction in favour of petitioner against the respondents by directing the respondents to remove obstruction at C D points as per the plaint plan and not to cause any obstruction for ingress and egress of the petitioner to reach his lands though the plaint B schedule property at C D points from the date of this order until further orders and no costs.

Typed to my dictation by the Stenographer Grade-III, corrected and pronounced by me in the Open Court, this the 17th day of February, 2026.

Sd/- B.V.Sulochana Rani
Principal Civil Judge (Jr. Division),
Gudur.

APPENDIX OF EVIDENCE

Witness Examined on behalf of Petitioner

-NONE-

Witness Examined on behalf of Respondents

-NONE-

Documents marked on behalf of Petitioner

- Ex.P1 : Adangal fasali 1435/2025 stands in the name of petitioner in respect of plaint A schedule property dated 18.10.2025.
- Ex.P2 : Adangal fasali 1435/2025 stands in the name of Somavarapu Mohan Reddy in respect of land in S.No.43/2 dated 18.10.2025.

- Ex.P3 : Adangal fasali 1435/2025 stands in the name of Pandipati Shalini in respect of plaint A schedule property dated 18.10.2025.
- Ex.P4 : Adangal report L.P.No.378 in S.No.49/3 for an extent of Ac.0.19 cents along with FMB dated 25.10.2025.
- Ex.P5 : Adangal report L.P.No.379 in S.No.49/3 for an extent of Ac.0.20 cents along with FMB dated 25.10.2025.
- Ex.P6 : Adangal report L.P.No.380 in S.No.49/3 for an extent of Ac.0.24 cents along with FMB dated 25.10.2025.
- Ex.P7 : Adangal report L.P No.360 in S.No.49/1 for an extent of Ac.3.00 cents stands in the name of Late Somavarapu Ramana Reddy @ Venkata Rami Reddy along with FMB dated 25.10.2025.
- Ex.P8 : Adangal report L.P No.363in S.No.49/2 for an extent of Ac.0.73 cents stands in the name of Somvarapu Prasanna @ Prasuna along with FMB dated 25.10.2025.
- Ex.P9 : Served copy of plaint along with documents in OS 241/2025 on the file of this court.
- Ex.P10 : Served copy of plaint and written statement in OS 198/2016 on the file of this court.
- Ex.P11 : Documents obtained under RTI Act.
- Ex.P12 : Representation send by the plaintiff to the Collector 2 in number dated 30.12.2024 & 19.05.2025.
- Ex.P13 : Orders passed by the Hon'ble High court of AP in Writ petition No.19424/2025 dated 25.07.2025.
- Ex.P14 : Orders passed by 4thdefendant in RCB No.149/2025 dated 24.09.2025.
- Ex.P15 : Plaint rough sketch.

Documents marked on behalf of Respondents

- NIL -

Sd/- B.V.Sulochana Rani
Principal Civil Judge (Jr. Division),
Gudur.