

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

S.A.No.566 of 2018

Date: 08.06.2018

Between:

Pola Prasada Rao,
S/o.Appalaswamy Naidu,
Aged about 56 years,
Occ: Cultivation and Business,
R/o.VMC Complex, Shop No.8,
Opp.Public School Sector-9,
MVP Colony, Visakhapatnam
Visakhapatnam district

... Appellant

And

The State of Andhra Pradesh,
rep. by the District Collector,
Visakhapatnam,
Visakhapatnam district
and another

... Respondents



Counsel for the Appellant : Smt.S.V.Buvaneswari
for M/s. S.V.Muni Reddy

Counsel for the Respondents: -----

The Court made the following:

Judgment:

Feeling aggrieved by judgments of the learned I Additional Senior Civil Judge, Visakhapatnam and the Special Sessions Judge for Trial of Cases under SCs & STs (POA) Act-cum-XI Additional District Judge and Sessions Judge, Visakhapatnam in O.S.No.1414 of 2005 and A.S.No.65 of 2008 respectively, wherein concurrent findings have been rendered against the appellant, he has filed the present second appeal.

2. The appellant's claim for perpetual injunction is based on Ex.A1, a purported D-Form patta. Both the Courts below on appreciation of evidence, found that the said patta was a forged and fabricated document. These findings are based on the fact that the respondents have produced Exs.B2 and B3, relevant pages in the pay bill register, showing that on 20.11.1993, one Mr.Ratnayya, was the Tahsildar of Bheemunipatnam, while Ex.A1 contains the signature of Mr.R.M.Rao, the predecessor in the office of the said Ratnayya, who was stated to have been transferred and relieved on 01.09.93 itself. These findings of fact rendered by both the courts below, cannot be interfered with, in a second appeal, more so, when no material which could displace the same, is produced by the appellant. Injunction being an equitable relief, a person who approached the Court with unclean hands by producing a forged patta, is not entitled to grant of such equitable relief. In my opinion, the concurrent findings of the

courts below, are not liable for interference and no substantial question of law arises for consideration.

3. The second appeal is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

Date: 8th June, 2018

msb



