



IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE HIRDESH  
ON THE 9<sup>th</sup> OF JANUARY, 2026

MISC. PETITION No. 7495 of 2025

*MAHARAJ SINGH YADAV*

*Versus*

*THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Arman Ali Khan - Advocate for the petitioner.

Shri Rinkesh Goyal - Government Advocate for State.

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ORDER

This miscellaneous petition under Article 227 of the Constitution of India has been filed by the petitioner/plaintiff challenging the order dated 14.10.2025 passed by the II<sup>nd</sup> District Judge, District Vidisha (M.P.) in Miscellaneous Civil Appeal No. 36/2025, whereby the First Appellate Court affirmed the order passed by the Trial Court.

2. The brief facts of the case are that the petitioner/plaintiff instituted a civil suit for permanent injunction against the respondent/defendant in respect of land situated at Ganeshganj Marg, Lohangipur, District Vidisha.

3. Learned counsel for the petitioner submitted that the plaintiff was working as a Timekeeper in the Public Health Engineering Department, Vidisha Sub-Division, since the year 1982. At that time, the plaintiff did not have a residential house. With the alleged consent of the departmental officers, the plaintiff constructed three tin-shed rooms measuring 8 ft × 8 ft



each at his own expense on vacant land situated near the P.H.E. Department quarters, Vidisha. It was further submitted that an electricity meter was installed in the name of the plaintiff in the said premises, which is referred to as the disputed house in the present case.

4. It was contended that on 30.05.2020, the plaintiff retired from service and thereafter vacated the departmental quarters on 19.06.2020 by handing over the keys to the P.H.E. Department, Vidisha, whereupon a "No Dues Certificate" was issued to him. After vacating the departmental quarters, the plaintiff and his family continued to reside in the disputed house. It was submitted that although the plaintiff may not have legal title over the disputed property, he has been in possession thereof since 1982. On the aforesaid grounds, it was argued that the Trial Court as well as the First Appellate Court committed an error in rejecting the application for temporary injunction, and therefore, the impugned orders deserve to be set aside.

5. *Per contra*, learned counsel for the State supported the orders passed by the Trial Court as well as the First Appellate Court and submitted that the plaintiff has no legal right to occupy the public premises illegally and, therefore, is not entitled to any relief of temporary injunction. Accordingly, it was prayed that the present petition be dismissed.

6. Heard learned counsel for the parties and perused the impugned orders as well as the documents available on record.

7. It is a settled proposition of law that a person who does not have legal possession over the disputed property is an unauthorized occupant or



trespasser, and a trespasser has no right to seek or obtain a temporary injunction in respect of such property. Admittedly, the petitioner has no legal right or title over the disputed land, which is public property. Mere long possession, without any lawful authority, does not confer any enforceable right so as to grant protection by way of injunction.

8. Both the Trial Court and the First Appellate Court have properly appreciated the facts and law applicable to the case and have rightly rejected the application for temporary injunction. No perversity, illegality, or jurisdictional error has been pointed out warranting interference under Article 227 of the Constitution of India.

9. In view of the aforesaid discussion, this Court finds no merit in the present petition. The Trial Court as well as the First Appellate Court have not committed any error in rejecting the application for temporary injunction. Consequently, no interference is warranted.

10. Accordingly, the miscellaneous petition is **dismissed**.

(HIRDESH)  
JUDGE

\*VJ\*