

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2309 of 2015

Date of Decision.06.04.2015

Kailash and others

.....Petitioners

Versus

Haryana State through Collector, Jhajjar and othersRespondents

Present: Mr. B.R. Gupta, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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K. KANNAN J. (ORAL)

1. The revision petition is against the concurrent orders declining the relief of injunction to the plaintiffs who claimed that in a village common land, the private defendants-respondents were putting up constructions. A local commissioner was appointed, who examined the property and has given a report giving details of the location of the respective houses of the plaintiffs and the existence of the dilapidated construction in the open space identified by specific notations. The Commissioner also noted that there are stacks of bricks lying in some corners of the open spaces. There is no observation made anywhere by the commissioner that if construction is put up in the places where there are bricks stacked up in the places which are in dilapidated condition, the access to the plaintiff's own houses would be in any way obstructed. I find no prima facie case to fetter right of putting up construction in places which admittedly do not belong to the plaintiff. The Panchayat

which is the owner of the property has made grants to the private respondents. If construction is coming up, the rights of the plaintiffs will be determined at the appropriate time when the suit is taken up and witnesses give their evidence. I will find no reason for making an intervention in a situation where plaintiffs cannot establish prima facie their case of obstruction to the access of their property. All these observations must be taken as only for the disposal of the interlocutory application and will have no bearing of the ultimate decision of the trial Court in the suit.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

April 06, 2015
Pankaj*