

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 4062 of 2013 (O&M)

Date of decision: October 12, 2015

Ramphal and another

...Petitioners

Versus

Gram Panchayat and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Vikram Punia, Advocate,
for the petitioners.

Mr. SP Chahar, Advocate,
for respondent No.1.

Mr. Saurabh Mohunta, DAG, Haryana,
for respondent No.1.

K. KANNAN, J. (Oral)

1. The revision is against the order declining the relief of injunction to the plaintiffs as an interim measure. The plaintiffs' possession is an admitted fact. The plaintiffs filed for injunction on the basis of the resolution passed by the Gram Panchayat that the Gram Panchayat shall sell the property to the plaintiffs. This has come about subsequent to the decision of the earlier proceedings where the plaintiffs' claim to assertion of ownership was rendered against them. The suit was filed on a fresh cause of action on the basis of a resolution passed by the Gram Panchayat to sell

the property.

2. The State is in defence to state that the resolution was required to be approved by the concerned authority and that approval has not been granted. The plaintiffs join issues on this contention and state that the plaintiffs were never informed about any such order passed by the concerned authority. The plaintiffs are entitled to maintain the relief injunction on a prima facie case of possession, when there is not even an order of the concerned authority brought on record declining to affirm the decision taken by the Gram Panchayat. There shall be an interim injunction as prayed for till the disposal of the suit.

3. The impugned orders are set aside and revision petition is allowed on the above terms. This order will not prevent the respondents from escalating the alleged decision of the competent authority not to sell to be served on the petitioner and take such action as the law permits.

October 12, 2015
prem

(K.KANNAN)
JUDGE