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

CR No.4595 of 2015

Date of decision: July 29, 2015

Guru Nanak Dev University, Amritsar
and another

.....Petitioners

Versus

Jagtar Singh Shoker and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Malkeet Singh, Advocate
for the petitioners.

Mr. S.S. Narula, Advocate
for the respondents.

SABINA, J

Petitioners have filed this petition challenging the order dated 30.05.2015.

Learned counsel for the petitioners has submitted that the road in question was being used by the college students to reach the college. However, now the respondents have put up gates at point AB and CD as shown in the site-plan (Annexure P-3), which has resulted in obstruction to the college students to reach the college from the main road.

Learned counsel for the respondents, on the other hand has submitted that the property in question was owned by the respondent No.4-Society. The area where the college was being run had been leased out to the petitioners. Earlier, the college was being run by the society, but since the year

2007, the same had been leased out to the petitioners. Learned counsel has further submitted that the society was the owner of the property in question. Private roads had been constructed for the owners/trust members to reach the main road. A metalled road was available for the college students to reach the main road. In case, the petitioners were permitted to use the road, which was in between the school premises, the school children could be harmed.

Petitioners have filed suit for permanent injunction. Alongwith the suit, petitioners moved an application under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908 for temporary injunction. Trial Court vide order dated 09.12.2014 directed the defendants to keep the gates open, which were installed at point AB and CD during day time till the final disposal of the suit. Aggrieved against the said order, defendants preferred an appeal and the Appellate Court vide order dated 30.05.2015 set aside the order passed by the trial Court. Hence, the present petition.

In the present case, a perusal of the site-plan (Annexure P-3) reveals that the school building has been shown in red colour. It is evident from the site-plan that the road in question is within the school premises. The case of the respondents is that the earlier portion bearing Khasra No.13/1 was being used by the students as playground, but now construction is being sought to be raised by the school

authorities. The road in question was part of the school building and was being used by the school children. Since from the site-plan (Annexure P-3), it is evident that the road in question is within the school premises, the learned Appellate Court rightly held that the petitioners had no prima-facie case or balance of convenience in their favour. In case the road in question is allowed to be opened/used by the college students, it can apparently be used by the public at large, which may be a safety hazard for the school children. Moreover, the college students can approach the main road as the college is duly connected with a metalled road with the main road.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 29, 2015

mahavir