

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.5021 of 2013

Date of Decision:-05.02.2015

Ram Niwas.

.....Petitioner.

Versus

Gram Panchayat of Village Bharanpur & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Bhag Singh, Advocate for the Petitioner.

Mr. Arvind Singh, Advocate for respondent no.1.

Mr. Shivendra Swaroop, AAG Haryana.

Mr. Mahavir Sandhu, Advocate for respondent nos.9 & 10.

JASWANT SINGH, J.(ORAL)

Plaintiff no.2/petitioner is in revision aggrieved against the concurrent findings recorded by courts below whereby their application under Order 39 Rules 1 & 2 CPC has been dismissed by the learned Civil Judge(Jr. Divn.), Naraingarh vide its order dated 09.06.2012 and the findings thereof were affirmed vide order dated 26.07.2013 passed by learned Additional District Judge, Ambala.

Learned Counsel for the petitioner has argued that they are owners in possession as proprietors of the village because land is recorded as Shamlat Deh “*Hasab Rasad Jare Khewat Araji*” and thus, the respondents/defendants should be restrained from forcibly and illegally

dispossessing the plaintiffs and other proprietors of the village from the suit property during the pendency of the suit.

On the other hand learned Counsel for the respondent/defendant has supported the order passed by the Courts below and has prayed for dismissal of the revision petition.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view the present petition is devoid of any merit and same deserves to be dismissed.

It is apparent from the record that the suit property in question is Shamlat Deh and thus it vests in the Gram Panchayat. As per the entries in the Revenue record it is cultivated by “Wassindgan Deh” and the plaintiffs are in possession as *Gair Marusi*. However, there is nothing on record to show that as to what kind of rent/Lagaan is being paid by them meaning thereby that they are in unauthorised possession if any. There is no document on the file to show that the petitioners are the proprietors/shareholders of the property in question. As per the record of the year 2004-05 and 2009-10, the land is described as being owned by Panchayat Deh and “Shamlat Deh *Hasab Rasad Jare Khewat Araji*”.

In view of the above, no ground is made out to interfere in the well reasoned findings returned by the Courts below and the same are hereby affirmed and thus the present revision petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 05, 2015
Vinay