

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6279 of 2015 (O/M)
Date of decision : 12.10.2015

Gram Panchayat, Village Drauli, Block Sanaur, Tehsil and District
Patiala, through its Sarpanch Revisionist

Versus

Ralla Singh Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Monika Jalota, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 1.10.2014 (Annexure-P-1), passed by the learned Civil Judge, (Junior Division), Patiala, vide which the application of the plaintiff filed under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 ('CPC') was allowed and the Gram Panchayat was restrained from interfering over possession of the plaintiff over the suit property and from interfering with the standing and uprooted trees in the property

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of the plaintiff. The findings of the lower Court were upheld in appeal.

Learned counsel for the revisionist-Gram Panchayat contends that both the Courts below have erred in granting *ad interim injunction* to the plaintiff. It is contended that the land of the Gram Panchayat is adjacent to the land of the plaintiff. The Gram Panchayat does not dispute the ownership and possession of the plaintiff over his land. However, the plaintiff had cut two trees, standing in the land of the Gram Panchayat and put the same in his field and he is using this injunction to counter the complaint filed by the Gram Panchayat regarding the theft of trees.

I am of the view that in the impugned order, the possession of the plaintiff is only to be determined. If any theft of the trees from the land of the Gram Panchayat is committed, the Gram Panchayat can always allege and prove that the trees were standing in its land and were cut by plaintiff, it can take criminal action against the plaintiff accordingly. Therefore, if the trees are proved to be cut from the land of the Gram Panchayat and then put in the land of the plaintiff, the injunction granted by the lower Court shall not debar the Gram Panchayat from proving before the concerned authorities that the trees were in fact cut and stolen from its land and then put in his (plaintiff's) land and in that event, the present stay will not come in the way of the Gram Panchayat.

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With these observations, the present revision is
dismissed.

(KULDIP SINGH)
JUDGE

12.10.2015
sjks