

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

**CR No. 6662 of 2013 (O&M)
Date of Decision: 20.07.2015**

Ram Chand

.....Petitioner

Vs.

Gram Panchayat Village Dabri and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ajay Jain, Advocate,
for the petitioner.

Mr. S.K. Verma, Advocate,
for respondent No. 1.

Mr. P.S. Jammu, Advocate,
for respondent No. 2.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 31.08.2013 and 16.10.2013.

Petitioner has filed suit for permanent injunction restraining the defendants from interfering in his peaceful possession qua the residential house constructed in Khasra No. 521 in the area measuring 02 karams x 04 karams, situated in Village Dabri. Along with the suit, petitioner moved an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908. Vide the impugned orders, the Courts below have dismissed the application. Hence, the present petition.

Learned counsel for the petitioner has submitted that the petitioner is in possession of the house in question for the last 40-45 years. In case he is dispossessed from the house in question, he will suffer an irreparable loss.

Learned counsel for the respondents, on the other hand, have opposed the petition and have submitted that the petitioner by raising construction has encroached on public passage. Proceedings against the petitioner were initiated under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred as 'the Act') and ejectment of the petitioner was ordered which has been upheld up-to this Court.

In the present case, as per the revenue record, Khasra No. 521 measuring 0 kanal 16 marlas has been described as a passage. The ownership of the said land vest in the Gram Panchayat. In the circumstances, the Courts below rightly held that the petitioner had *prima facie* failed to establish that his possession over the property in question was legal. In proceedings under Section 7 of the Act, petitioner has been ordered to be ejected from the suit property. Thus, there is no *prima facie* case or balance of convenience in favour of the petitioner as disputed Khasra number is a public passage.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 20, 2015
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