

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

(1) CR No. 7861 of 2011 (O&M)
Date of decision: March 19, 2015

Ram Singh

...Petitioner

Versus

Market Committee, Kaithal

...Respondent

CR No. 1717 of 2014 (O&M)

Rajesh and others

...Petitioners

Versus

Market Committee, Kaithal

...Respondent

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. Vinod Bhardwaj, Advocate,
for the petitioners.

Mr. Partap Singh, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. This order shall dispose of the above titled revision petitions as the same arise out of the similar set of facts.

2. The civil suits filed by the petitioners are required to be characterized as frivolous, since the plaintiffs who were facing orders of ejectment passed under the Punjab Public Premises (Eviction of Unauthorized Occupants) Act, 1971 are seeking to stultify the orders by resorting to suit for declaration. The orders of injunctions are granted only

on consideration of prima facie case and possession. If possession is proved,

the court would still have to examine whether there is a prima facie case of title in the manner urged by the petitioners. An order obtained by the respondent authorities in exercise of power under an Act cannot be circumvented by the parties to the order by resorting to an action for declaration. The appellate court was justified in reversing the wrong orders passed by the trial court.

3. The injunction granted was erroneous and it was correctly set aside by the appellate court. I decline to make any intervention in revision. Both the revision petitions are dismissed.

March 19, 2015
prem

(K.KANNAN)
JUDGE