

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.104 of 2011

Date of Decision: February 09, 2015

Gram Panchayat, Village Nayan, Tehsil Narnaul, District Mahendergarh

...Appellant

Versus

Ramji Lal & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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.Rajneesh Chadwal, Advocate,
for the appellant.

Mr.J.P.Sharma, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

This is a Regular Second Appeal at the instance of the appellant-defendant against the judgments and decrees of both the Courts below, whereby a simpliciter suit for injunction, restraining the appellant-defendant-Gram Panchayat from interfering in the ownership/possession of the respondent-plaintiffs, has been decreed and the appellant-defendant has been given liberty to seek the eviction of the respondent-plaintiffs by following the due course of law. In essence, the respondent-plaintiffs may not be dispossessed except in due course of law.

Learned counsel appearing on behalf of the appellant-defendant-Gram Panchayat has submitted that in the proceedings instituted

under Section 7 of the Punjab Village Common Lands (Regulation) Act, eviction order has already been passed against the respondent-plaintiffs. The learned counsel appearing for the respondent-plaintiffs feigns ignorance about the said order. Be that as it may, if the respondent-plaintiffs are found to be in settled possession, they can not be dispossessed except in due course of law. No fault can be found with the judgments and decrees of both the Courts below. No substantial question of law accordingly arises for adjudication in the present appeal.

Accordingly, the appeal is dismissed.

However, it is made clear that in case the appellant-defendant has already availed the remedy in due course of law and it has attained the finality, the appellant-defendant will be within its rights to execute the order of eviction, if any, passed against the plaintiffs in accordance with law.

February 09, 2015
ramesh

(AMIT RAWAL)
JUDGE