

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

RSA No. 1222 of 2012 (O&M)

Date of decision : 19.5.2015

Bhoop Singh and another

... Appellants

VS

Municipal Council, Bawal and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sanjay Mittal, Advocate, for the appellants.

Rajesh Bindal, J.

The plaintiffs are before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit for permanent injunction filed by them for restraining the respondents/ defendants from interfering into their peaceful possession of the disputed property was dismissed. It was claimed by the appellants that the land is *Jumla Mustarka Malkan* and the appellants are joint owners of the suit land, which is part of khasra no. 318/2. The same had never been used as *nallah* and the respondents/ defendants had no right, title or interest in the property in dispute, but still they were adamant to dispossess the appellants from the suit land.

It has come on record that in the revenue records, the suit property has been described as, '*gair mumkin nallah*'. The entries in the revenue record were never challenged by the appellants. The suit property is situated within the municipal limits of Bawal. It was not disputed by the appellants that the Municipal Council, Bawal had already constructed shops on one side of *nallah* over the suit property.

In the light of aforesaid material on record, the appellants had not been able to establish that they are owners in possession of suit property. The land in question was earmarked for being used as *nallah* at the time of consolidation.

In the absence of any material on record either in the form of revenue record or otherwise, once the appellants had not been able to prove their ownership or possession on the suit property, the concurrent findings of fact recorded by both the Courts below do not call for any interference by this Court. No substantial question of law arises.

The appeal is, accordingly, dismissed.

19.5.2015
vs

(Rajesh Bindal)
Judge