

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

1. RSA No.3075 of 2012 (O&M)
Date of decision : 24.09.2015

Punjab Urban Planning and Development Authority (PUDA)

...Appellant

Versus

Sangat Sahib Bhai Pheru Sikh Educational Society, Faridkot and another

...Respondents

2. RSA No.3001 of 2012 (O&M)
Date of decision : 24.09.2015

Punjab Urban Planning and Development Authority (PUDA)

...Appellant

Versus

Sangat Sahib Bhai Pheru Sikh Educational Society, Faridkot

...Respondent

3. RSA No.3002 of 2012 (O&M)
Date of decision : 24.09.2015

Punjab Urban Planning and Development Authority (PUDA)

...Appellant

Versus

Sangat Sahib Bhai Pheru Sikh Educational Society, Faridkot

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. R.S. Khosla, Sr. Advocate with
Mr. Kamaljeet S. Mamrat, Advocate for the appellant.

Mr. Baltej Singh Sidhu, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of three regular second appeals i.e. RSA Nos.3075, 3001 & 3002 of 2012, titled as Punjab Urban Planning and Development Authority (PUDA) Vs. Sangat Sahib Bhai Pheru Sikh Educational Society, Faridkot and another, whereas RSA bearing No.3075 of 2012 is concerned, the suit for declaration and mandatory injunction was filed and in other RSA, simpliciter suit for permanent injunction at the behest of the respondent-plaintiff was filed. The suits aforesaid have been decreed and appeal filed against the same, has been dismissed and the appellant/PUDA has been restrained from forcibly dispossessing over the suit property except in due course of law, however, vis-a-vis the claim in the RSA No.3075 of 2012, a direction has been issued to the PUDA to consider the application seeking allotment of the property in question and pass order in accordance with law.

Mr. R.S. Khosla, learned Senior Counsel assisted with Mr. Kamaljeet S. Mamrat, Advocate for the appellant submits, that vis-a-vis the direction of the consideration of application for allotment, PUDA would be in difficulty, to pass the order, but as regards the declaration in setting aside the mutation and rapat roznamcha in favour of PUDA, the same could not have been passed, much less, not sustainable. The respondent-plaintiff did not have locus standi to file suit. He further submits that PUDA would not

be able to consider the application and pass the order therein and have not so far taken any steps to forcibly dispossess the plaintiff.

Mr. Baltej Singh Sidhu, learned counsel appearing on behalf of respondent No.1-plaintiff submits, that there is no illegality and perversity in the judgment and decree, much less, no substantial question of law arises.

I have heard learned counsel for parties and appraised the paper book.

I do not intend to ponder upon merits and demerits with regard to mandatory and permanent injunction however as regards the relief vis-a-vis setting aside the mutation and rapat roznamcha in favour of defendant No.2, the said findings are not sustainable and are hereby set aside. However, liberty is granted to the State to take appropriate steps in accordance with law for the purpose of effecting mutation and rapat roznamcha thereon.

Appeals are disposed of.

24.09.2015

pawan

**(AMIT RAWAL)
JUDGE**