

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 5057-C of 2013 in/and
RSA No. 1909 of 2013 (O/M)
Date of decision : 16.11.2015

Major Singh

..... Appellant

Versus

Gram Panchayat Dera Meer Meeran and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Singh, Advocate, for the applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

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This is an application for condonation of delay of 18 days in refiling the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of the clerk of the learned counsel for the applicant-appellant, the delay of 18 days in refiling the present appeal is condoned.

Application is accordingly disposed of.

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Main case

Impugned in the present regular second appeal is the judgment and decree dated 30.10.2012, passed by the learned Additional District Judge, Fatehgarh Sahib, affirming the judgment and decree dated 16.1.2012, passed by the learned Civil Judge (Junior Division), Fatehgarh Sahib, vide which the suit of the plaintiffs for permanent injunction, was dismissed.

Before the lower Court, the plaintiffs had claimed that they had purchased the suit land from Gurcharan Singh (proforma defendant No. 2), vide registered sale deed No. 1562 dated 30.6.2005, after verifying the facts about the ownership and possession from the revenue record and from the locality. It is claimed that defendant No. 1, without any right, wants to dispossess them.

On the other hand, the Gram Panchayat took the stand that the Gram Panchayat, vide Resolution dated 28.5.1973, had decided to allot the property to landless persons of the village. As per the terms and conditions of the Resolution, the allottee was to construct his house within stipulated period and was not competent to sell the same. It was further averred that the land was lying vacant since then and the Gram Panchayat filed the petition under Section 11 of the Punjab Village Common Land (Regulation) Act, 1961 before the Collector-cum-Additional Deputy Commissioner

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(Development) for cancellation of the said Resolution dated 28.5.1973, regarding allotment of plot to Gurcharan Singh. Their plea has been allowed and vide order dated 21.2.2006, the allotment has been cancelled.

I have heard the learned counsel for the appellant and have also carefully gone through the file.

It comes out that the plaintiffs claim possession on the basis of title. The learned counsel for the appellant contends that the appellant had checked the copy of Jamabandi, where the name of defendant No. 2 was appearing. Therefore, the property was purchased. However, alongwith the entries in the revenue record, the original title deed was required to be checked to see as to what is the origin of title of the defendant and whether there is any limitation of his title. The plaintiff does not claim that he had checked the allotment letter or Resolution. The allotment had since been cancelled. The plot was allotted to landless person of the village for construction of a house. The house was not constructed and instead the plot was sold. Therefore, the injunction was rightly refused. Thus, there is no ground to interfere in the concurrent findings of facts recorded by both the Courts below. No substantial question of law arises in the present appeal. Hence, the present appeal is dismissed.

However, it shall always be open to the appellant to

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challenge the order of the Collector-cum-Additional Deputy
Commissioner, cancelling the allotment.

(KULDIP SINGH)
JUDGE

16.11.2015
sjks