

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

RSA No.2662 of 2015 (O&M)

Date of decision : 07.09.2015

Gram Panchayat of Village Dharak Kalan

...Appellant

Versus

Jagmohan Singh

...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. Umesh Kumar, Advocate for the appellant.

Mr. Vishal Munjal, Advocate for respondent/caveator.

AMIT RAWAL, J. (Oral)

Notice of motion.

Mr. Vishal Munjal, Advocate accepts notice on behalf of respondent.

Challenge in the present appeal is to the impugned judgment and decree, whereby the suit for permanent injunction restraining the Gram Panchayat-appellant-defendant from interfering into peaceful possession of the plaintiff has been, decreed by the trial Court, by holding that plaintiff is entitled to injunction, to the limited extent, that he cannot be dispossessed except in due course of law.

Mr. Umesh Kumar, learned counsel appearing on behalf of appellant submits that Gram Panchayat has already initiated the action against the respondent-plaintiff under Section 7 of the Punjab Village Common Land Act, 1961 and the matter is pending before the learned Commissioner. He further submits that since action has been taken, the Courts below should not have granted injunction in favour of respondent-plaintiff and, therefore, committed illegality and perversity.

Mr. Vishal Munjal, learned counsel appearing on behalf of the respondent/caveator submits that injunction granted by the trial Court is most innocuous. Liberty has been granted to the Gram Panchayat to seek eviction of the plaintiff in due course of law and remedy has already been availed and there is no illegality and perversity in the impugned judgment and decree, much less, no substantial questions of law arises for determination.

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

The trial Court allowed suit by granting the decree of permanent injunction against the appellant-defendant and not to forcibly dispossess the plaintiff, except in due course of law. Such findings have been upheld by the Lower Appellate Court.

Since, Gram Panchayat has already initiated the proceedings under Section 7 of 1961 Act and the proceedings have reached up to the level of the Commissioner, in my view, there is no illegality and perversity in impugned judgment & decree granting injunction as it is settled law that person who is in settled possession cannot be dispossessed except in due

course of law in view of law laid down in *Rame Gowda (D) by LRs Vs. Mr. Varadappa Naidu (D) by LRs & another* 2004(1) SCC 769.

In view of aforementioned observation, no substantial question of law arises for adjudication of the present appeal.

Appeal is devoid of merits.

Accordingly, same is dismissed.

07.09.2015

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**(AMIT RAWAL)
JUDGE**