

126.

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

Regular Second Appeal No.4671 of 2015 (O&M)

Date of decision: 21.12.2015

Executive Officer, The Pathankot, Improvement Trust, Pathankot,
and another.

... Appellants

versus

Suraj Kohli

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. S.C. Pathela, Advocate,
for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

CM No.11246-C of 2015

For the reasons stated in the application, delay of 132
days in refiling the appeal is condoned.

Application stands disposed of.

Regular Second Appeal No.4671 of 2015

1. The defendants are the appellants before this court.
2. The suit is for injunction restraining the Improvement Trust from in any manner interfering the plaintiff's peaceful possession. The possession of the plaintiff was an admitted fact. The

defendants wanted to contend that the Sub Divisional Officer (Civil) and yet another public functionary served a notice on the Improvement Trust to state that the plaintiff has encroached in the public path to the extent of about 15% of his total construction and the document filed by the defendants vouched for the truth of defence. The contention is that the two courts have granted the relief of injunction without reference to the encroachments complained of.

3. I will find no reason to interfere with the decisions given by the courts below but will allow the liberty to the defendants/appellants to take independent action for any complaint of encroachment and for its removal in the manner provided under the Improvement Trust Act itself. If such an action is taken under the relevant provisions, the decree granted in favour of the plaintiff will not come in the way.

4. The second appeal is dismissed but with the above observations.

(K.KANNAN)
JUDGE

21.12.2015
sanjeev