

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

**RSA No. 2290 of 2014 (O&M)**

Date of decision : 29.10.2015

Daljit Singh and others

.. Appellants

versus

Gaushala Pinjra Pole (Regd.) and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. Padam Jain, Advocate, for the appellants.

**Rajesh Bindal, J.**

Some of the defendants are before this Court against the direction issued by the learned Trial Court to the District Collector to enquire into the matter and revenue record since Kapurthala State time and to resume back the possession of a public land in the public interest. These directions were given in a suit filed by the plaintiff -Gaushala Pinjra Pole for permanent and mandatory injunction. The suit was dismissed by the trial Court with the aforesaid directions. The appeal filed by the plaintiff and the present appellants were dismissed by the learned Lower Appellate Court.

Learned counsel for the appellants submitted that since the possessory rights along with other rights were transferred by the defendant/appellant no.1 for valuable consideration under the agreement, as such the appellants have got absolute right to retain the possession thereof. The trial Court has rightly dismissed the suit, however, directions to enquire into the matter and revenue record since Kapurthala State time and to resume back the possession of a public land in the public interest were uncalled for.

After hearing learned counsel for the appellants, I do not find any merit in the submissions made.

As no evidence has come on record that Gaushala Pinjra Pole is a registered body and possessing the property as a trust donated by the Government of Punjab or Central Government, the members or the trustees of it were/ are not competent to transfer the property in favour of the

appellants or any other person. Neither the Gaushala was owner nor having rightful possession over the property in dispute. The appellants even failed to prove that the property was ever given to the Gaushala by the Government. Hence, the transfer made on behalf of the plaintiff cannot be said to be a legal transfer.

The aforesaid facts clearly established connivance of the parties. The sequence of the aforesaid events clearly established that the parties wanted to create material while getting the suit dismissed from the court approving the exchange. The learned Court keeping in view the fact that the land is public property owned by the State Government, which is required to be used and occupied for public purpose and it is being used without the knowledge of the State Government, has rightly directed the District Collector to enquire into the matter and revenue record since Kapurthala State time and to resume back the possession of a public land in the public interest.

For the reasons mentioned above, I do not find any merit in the present appeal. No substantial question of law arises.

The appeal is, accordingly, dismissed.

This Court shall be apprised of the action taken by the District Collector, Kapurthala. For the purpose, the matter be listed on 22.4.2016.

29.10.2015  
vs

( Rajesh Bindal )  
Judge