

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

DATE OF DECISION: SEPTEMBER 16, 2015

Ranjit Singh

.....Appellant

VERSUS

Gram Panchayat of Village Bhadalwad, District Sangrur

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Satbir Gill, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.1998 C of 2015

Prayer in this application is for condonation of delay of 3 days
in filing the appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit of the Clerk of the counsel, the present application
is allowed and delay of 3 days in filing the appeal stands condoned.

C.M. No.1999 C of 2015 & R.S.A. No.697 of 2015

Challenge in this appeal is to the judgment and decree dated
26.03.2013 passed by the Additional Civil Judge (Senior Division), Dhuri,
vide which the suit for permanent injunction, restraining the Gram
Panchayat from demolishing any part of the shops and store shown in the

site plan attached alongwith the suit area for causing any sort of damage to the said shops and store constructed on Khasra Nos.841min/0-1, 840/0-2 as bounded by the details mentioned therein situated in the revenue estate of Village Bhadalwad, Tehsil Dhuri has been dismissed on the ground that the appellant-plaintiff has not been able to co-relate the construction, which is alleged to have been made qua the land in Khasra Nos.841 and 840 and the appeal preferred against the said judgment and decree stands dismissed by the Additional District Judge, Sangrur, on 21.08.2014.

It is the contention of counsel for the appellant that the Courts below have not appreciated the factum that the construction which has been raised by the appellant-plaintiff in Khasra Nos.841 and 840, are in his ownership. Since there is no encroachment vis-a-vis the said Khasra Numbers as they belong to the appellant-plaintiff, the injunction should have been granted by the Courts against any action by the Gram Panchayat-respondent/defendant herein. Counsel, thus, contends that the judgments and decree passed by the Courts below, therefore, deserve to be set-aside.

On having considered the submissions made by counsel for the appellant and going through the judgments passed by the Courts below, it is apparent that the injunction has been declined to the appellant-plaintiff only on the ground that he has not been able to show by way of any evidence on record that the alleged construction, which has been raised by him, is on Khasra Nos.841min/0-1 and 840/0-2. If that be so, the assertion of counsel for the appellant-plaintiff cannot be accepted. The findings recorded by the Courts below, thus, cannot be faulted with.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with

as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal.

Therefore, finding no merit in the present appeal, the same stands dismissed.

September 16, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE