

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

111

SAO No.55 of 2015

Date of Decision:11.09.2015

Gopal

... Appellant

Versus

Gram Panchayat and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anil K. Ahluwalia, Advocate
for the appellant.

RAJ MOHAN SINGH, J. (Oral)

[1.] This is a revision petition filed by the plaintiff-appellant against the orders passed by the Courts below declining prayer for interim injunction. Admittedly, land in question has been depicted as '*Jumla Malkan/Jumla Mustarka Malkan Digar Haadaran Hasab Rakba*' in the revenue record.

[2.] Plaintiff has filed suit for declaration and permanent injunction in respect of aforesaid land on the ground that defendants have no concern whatsoever with the suit land and the entries made in the revenue record are not correct. The plaintiff claims himself to be in cultivating possession of the suit land.

[3.] Both the Courts have declined interim injunction to the plaintiff keeping in view the nature of suit land. Plaintiff himself has impleaded Gram Panchayat as defendant No.1. Whether land in question is '*Shamlat Deh*' or not and whether it vests in Gram Panchayat or not is required to be adjudicated. In view of Section 13 (a) of the Punjab Village Common Lands (Regulation) Act, 1961, jurisdiction of Civil Court is apparently barred. Whether

this land belongs to propriety body or not is an issue of trial which can be decided by the Competent Court on the basis of evidence.

Apparently, there is no lis between private persons for which the jurisdiction of Civil Court can be attracted.

[4.] On pointed question whether the petitioner is a member of propriety body or not, learned counsel fairly states that he is not a member propriety body of the village, rather he claims himself to be lessee under the Panchayat. In any case lessee cannot deny the title of land lord-Gram Panchayat.

[5.] In view of aforesaid, this Court is of the considered view that no indulgence can be granted to the petitioner in respect of grant of interim injunction in a suit qua which, prima facie Civil Court has no jurisdiction.

[6.] Dismissed.

September 11, 2015
prince

(RAJ MOHAN SINGH)
JUDGE