

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.442 of 2014 (O&M)

Date of Decision: August 14, 2015

M/s Shiva Agency, G.T.Road, N.H.I, near Namestay Chowk, Karnal

...Appellant

Versus

Kanwarjeet Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

Present: Mr.Vijay Kumar Jindal, Senior Advocate with
Mr.Akshay Jindal, Advocate,
for the appellant.

Mr.Pankaj Middha, Advocate,
for Mr.Dhiraj Chawla, Advocate,
for the HSIIDC.

AMIT RAWAL, J. (Oral)

Mr.V.K.Jindal, learned Senior Counsel assisted by Mr.Akshay Jindal Advocate appearing on behalf of the appellant submits that the appellant-plaintiff had filed a suit for permanent injunction against respondent Nos.1 and 2-defendants for restraining them not to forcibly dispossess the appellant-plaintiff from the suit property and as well as from demolishing the suit property, much less, changing the nature of the suit property as per the site plan attached with the plaint. He further submits that the trial Court had partly decreed the suit by granting injunction, but declined the other reliefs, against which an appeal was filed, which was

dismissed and hence the present Regular Second Appeal.

Learned counsel for the appellant has drawn the attention of this Court to the order dated 27.1.2014, which reads thus:-

“Learned counsel for the appellant, inter-alia, contends that the suit land was originally owned by the defendants-respondents and plaintiff-appellant was tenant thereon. Later on, the land was acquired by the Land Acquisition Collector for Haryana State Industrial Development Corporation ‘HSIDC’ for short, now known as Haryana State Infrastructure and Industrial Development Corporation ‘HSI IDC’ for short. The defendants sold the land to one Vishal Gupta during acquisition proceedings and it was Vishal Gupta, who received the compensation for the suit land. Thereafter, the defendants were neither the owner nor they had any interest in the suit land. However, since the defendants were threatening the plaintiff-appellant with forcible dispossession, he had to file the suit for injunction.

Learned counsel for the appellant further submits that on his oral request, let HSI IDC be impleaded as party-respondent and notice may be issued to that agency, who is the true owner as on date and the appellant shall hand over the vacant possession to the true owner, within a period of one month, but defendants-respondents are not even remotely connected with the suit land. He further submits that since the learned courts below have proceeded on misconceived and perverse approach while not appreciating these material facts in the correct perspective, the impugned judgments were not sustainable in law.

On the oral request made by learned counsel for the appellant, ‘HSI IDC’ through its Managing Director, Plot No.C-13-14, Sector 6, Panchkula, is ordered to be impleaded as party-respondent No.3.

Office is directed to correct the memo of parties.

Notice of motion to all the three respondents for 2.5.2014.

In the meantime, dispossession of the appellant shall

remain stayed.”

On perusal of the aforementioned order, it is evident that the appellant-plaintiff is the tenant of erstwhile owners, i.e., defendants-respondents, who stated to have sold the land to one Vishal Gupta during the acquisition proceedings. The factum of acquisition is not disputed.

Learned counsel for the appellant further submits that the appellant is willing to hand over the vacant possession of the suit land to the HSIIDC, which is true owner of the property, on the time and date to be fixed by the HSIIDC.

Mr.Pankaj Middha, Advocate for Mr.Dhiraj Chawla, Advocate appearing on behalf of respondent No.3-HSIIDC submits that they would have no objection, much less, averse to such proposal.

Respondent Nos.1 and 2 have refused to accept notice, but served through affixation. No one has put in appearance on their behalf.

In view of the statement made by the learned counsel for the appellant, I direct the appellant-plaintiff to hand over the vacant possession of the disputed property to the officer incharge/duly authorised person of HSIIDC as per the time and date, to be intimated by the HSIIDC, within one month from the date of receipt of certified copy of this order.

With the aforementioned concession given by the appellant-plaintiff, the appeal stands disposed of.

August 14, 2015
ramesh

(AMIT RAWAL)
JUDGE