

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

106

RSA-5618-2014 (O&M)

Date of Decision:21.09.2015

MUNICIPAL CORPORATION, PANCHKULA ... Appellant

Versus

SUNITA DEVI

... Respondent

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

Present: Mr. Arvind Seth, Advocate
for the appellant.

Mr. Maninder Singh, Advocate
for the respondent-Caveator.

RAJ MOHAN SINGH, J. (Oral)

[1]. Defendant-Municipal Corporation, Panchkula is in second appeal against the concurrent judgments and decree passed by the Courts below.

[2]. Plaintiff filed a suit for declaration to the effect that notice under Section 408 of the Haryana Municipal Corporation Act, 1994 issued by the Corporation for demolition of construction in respect of Khasra No.86 is null and void. Consequential relief of permanent injunction restraining the defendant from interfering in the peaceful possession of the plaintiff has also been sought. Plaintiff has claimed this property on the basis of ownership.

[3]. Earlier one Rakesh Kumar Rana was the owner of the plot which is '*Gairmumkin*' land situated within '*abadi*' of village Budhanpur, District Panchkula. Aforesaid Rakesh Kumar Rana

sold this property to the plaintiff vide registered sale deed dated 22.02.1998. Possession of the plot was also delivered to the plaintiff with specific dimensions. Prior to selling the plot to the plaintiff, Rakesh Kumar Rana, vendor of the plaintiff obtained 'No Objection Certificate' from the office of Deputy Commissioner, Panchkula by moving an application dated 07.04.1998. 'No Objection Certificate' was granted by the office of Deputy Commissioner, Panchkula after obtaining report from Gram Panchayat, Budhanpur.

[4]. Learned counsel further states that there is no acquisition by Haryana Urban Development Authority in respect of suit land. Jamabandi for the year 2007-08 specifically shows the plaintiff to be owner in possession. Plaintiff has also constructed a house on the land. Even in Ration Card, Chulha Tax and in the record of Municipal Corporation, Panchkula property has been described by No.228/1. At the time of preliminary hearing, learned counsel for the appellant-Municipal Corporation relied upon a demarcation report prepared in view of order passed in CWP No.18538 of 2004. Demarcation was done on 26.11.2006. Learned counsel for the appellant has failed to point out the plot in question to be shown in the list of encroached property by individuals. Even otherwise, both the Courts concurrently held the plaintiff to be owner in possession of the property by virtue of sale deed which was executed on the basis of 'No Objection Certificate' duly issued by the office of Deputy Commissioner, Panchkula.

[5]. No lawful point worth cognizance is involved in this appeal. Consequently, this appeal is dismissed.

September 21, 2015
prince

(RAJ MOHAN SINGH)
JUDGE