

**Civil Revision No. 4087 of 2016**

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**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No. 4087 of 2016**

**Date of Decision: 9.8.2016**

**Amritsar Improvement Trust**

**---Petitioner**

**versus**

**Ishan Developers and Infrastructures Limited**

**---Respondent**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Karanjit Singh, Advocate  
for the petitioner**

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**Rekha Mittal, J.**

The present petition filed by the Amritsar Improvement Trust (in short “the Trust”) by invoking Article 227 of the Constitution of India, directs challenge against the orders dated 1.10.2010 (Annexure P-1) passed by the Civil Judge (Junior Division), Amritsar partly allowing application of the respondent/plaintiff and the order dated 15.3.2016 (Annexure P-2)

passed by the District Judge, Amritsar whereby the appeal preferred by the petitioner against the order dated 1.10.2010, has been dismissed.

Ishan Developers and Infrastructures Limited, respondent has filed a suit for permanent injunction restraining the petitioner/defendant from interfering in peaceful possession of the plaintiff and raising any construction/digging out land measuring 8 killas, 10 kanals 12 marlas, 3 kanals 4 marlas, 19 kanals 14 marlas, detailed in para No. 1 of the order dated 1.10.2010 (Annexure P-1). The plea of the respondent/plaintiff is that it is owner in possession of suit land by virtue of sale deed 7.2.2006 and three different power of attorneys each dated 28.7.2006.

The Trust filed the written statement, raised a plea that it had acquired land in question on 14.5.1980 as per possession property Register of the Trust and thus, the petitioner was lawful owner of the suit property.

After having heard counsel for the parties and bestowing its thoughtful consideration to the documents available on record, the learned trial court allowed the application of the respondent/plaintiff only qua land measuring 27 kanals 2 marlas in respect whereof, the respondent/plaintiff produced a sale deed executed by one Jugal Kishore besides copy of jamabandi for the year 2004-05. It has been held by the Court that

respondent/plaintiff has a prima facie case in regard to its ownership in possession of land comprised in killa Nos. 68//4/1(2-16), 7/1(7-2), 68//3 min (0-11), 68//8 min(5-7), 68//9/2 min (4-5), 68//13 (8-1) and further held that there is nothing on record in support of contention of defendant/petitioner that it has acquired the property in question. As has been noticed hereinbefore, the order passed by the trial court partly allowing application of interim injunction was affirmed in appeal by the Additional District Judge, Amritsar.

Counsel for the petitioner has not disputed factual observations made by the trial court that no material was placed on record in support of contention of the petitioner/defendant that it has acquired the property in question. As the petitioner failed to produce the notifications issued under relevant provisions of the Town Improvement Act, 1922 or the award passed by the Land Acquisition Collector in compliance with the provisions of said Act read with Land Acquisition Act, 1894, no error, illegality much less perversity can be found in the impugned order warranting intervention. Any additional document appended with the present petition would not enure to benefit of the petitioner to point out fault with the orders passed by the Courts below.

In view of the above, the petition fails and is dismissed. However, nothing stated in this order shall be construed as an expression of opinion on merits of the controversy nor would cause prejudice to rights of the petitioner to place on record the relevant documents, in accordance with law.

**(Rekha Mittal)**  
**Judge**

**9.8.2016**

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No