

107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.4259 of 2016

Date of Decision: 18.11.2016

SATPAL AND ANR.

.....Petitioners

Vs

GRAM PANCHAYAT AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikram Singh, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have assailed order dated 21.06.2016 (Annexure P-4) passed by the District Judge, Jind vide which order dated 31.05.2016 (Annexure P-3) passed by the Civil Judge (Jr. Divn.) Narwana was affirmed.

[2]. The disputed *khasra* number is 98/(91-14) *Gair Mumkin Johar*. Plaintiff/petitioners filed suit for permanent injunction restraining the Gram Panchayat from changing the use and nature of *Gair Mumkin Johar*.

[3]. Evidently, the land vests in Gram Panchayat as *Shamlat Deh* in terms of Section 2(g) of Punjab Village Common Lands (Regulation) Act, 1961. In the year 2005, Community

Health Centre, Cremation ground and water house have already been constructed in the suit property by the Gram Panchayat. A tubewell was also installed for the purposes of supplying drinking water to the inhabitants of the village. Due to increase of TDS in the water of tubewell, a necessity arose to construct a water tank for supplying canal water.

[4]. The Gram Panchayat initiated the proposal by way of passing resolution. A sanction has already been granted by the competent authority. Thereafter contract was also given to one contractor namely Himmat Singh for undertaking the required work.

[5]. For the grant of *ad interim* injunction in terms of Order 39 Rules 1 and 2 CPC, existence of *prima facie* case, balance of convenience and causing of irreparable loss in the event of not granting temporary injunction are to be seen. In the instant case part of *katcha johar* is sought to be converted into water tank particularly in view of the fact that major chunk of *Gair Mumkin Johar* had already been converted into Community Health Center, Cremation ground and water house by the Gram Panchayat.

[6]. The Courts below have also recorded that there are other ponds in the village as well. Admittedly, property vests in

the Gram Panchayat and Gram Panchayat has to act for the betterment of the inhabitants of the village and is well within its right to undertake developmental activities in respect of land which stands vested in it.

[7]. In view of above, no ground exists for granting *ad interim* injunction. The revision petition is accordingly dismissed.

November 18, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No