

Civil Revision No. 8330 of 2014

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

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Civil Revision No. 8330 of 2014

Date of Decision: August 09, 2016

UGGARSAIN

-PETITIONER

VS

BLOCK DEVELOPMENT & PANCHAYAT OFFICER & ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.V.S.Kajla, Advocate
for the petitioner.

Mr.Dalel Singh Nain, Advocate
for respondent No.2.

Mr.Rose Gupta, Advocate
for respondents No.3 and 4.

Mr.Vishal Kashyap, AAG, Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 29.05.2014 vide
which the application under Order 1 Rule 10 CPC filed by
respondents No.3 and 4 was allowed.

Petitioner-plaintiff filed a suit for permanent injunction

seeking to restrain the Gram Panchayat from interfering in his possession over the suit property which is claimed to be a residential house situated within abadi of village Kaimri, Tehsil and District Hisar.

In the written statement filed by the Gram Panchayat, the stand of the Gram Panchayat which can be gathered from the impugned order is that the plaintiff has encroached upon the common chowk of the village and in order to perpetuate his illegal possession, the suit in question came to be filed in collusion with the Sarpanch of the Gram Panchayat. Respondents No.3 and 4 also alleged unauthorized possession of the plaintiff-petitioner on the suit land and have also alleged that the plaintiff wants to occupy common chowk which is adjacent to his house in an unauthorized manner. The matter has already been reported to the Local Administration.

In view of allegations and counter allegations, the trial Court would adjudicate the factum of alleged unauthorized possession of the plaintiff over the suit land with reference to

evidence which may be produced by the parties on record, but at this stage, any person from the village can espouse the cause on behalf of himself as well as on behalf of the village community to demonstrate before the competent Court with regard to existence of unauthorized possession by someone on the Panchayat land. Even under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, any person/inhabitant of the village is competent to file petition for ejectment against unauthorized occupant of the Panchayat property. The allegations of collusion of the present Sarpanch with the plaintiff have been made in the application. In view of aforesaid, the impleading of respondents No.3 and 4, in considered opinion of this Court, would not be illegal.

Though the plaintiff is a dominos litus of his suit, but keeping in view the nature of allegations and the property being claimed to be Shamlat Deh (though facts denied by the petitioner), it would be appropriate to allow respondents No.3 and 4 to be party defendants in the suit so as to enable the trial Court to decide the controversy in an effective manner. Even otherwise, no prejudice

would be caused to the plaintiff, so far as his stand vis-a-vis the suit land is concerned. Since, Gram Panchayat has already been impleaded as party defendant in the suit, therefore the impleading of other inhabitants of village along with Gram Panchayat, would not change the cause of action of the plaintiff in any more.

Therefore, this petition is found to be devoid of merits.

Dismissed.

09.08.2016

jyoti Y.

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No