

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

R.S.A.No.2479 of 2012

Date of Decision: March 01, 2016

Smt.Raj Bala & another

...Appellant

Versus

Gram Panchayat Kuyleri, Tehsil and District Hisar

...Respondent

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.Amit Jain, Advocate,
for the appellants.**

**Mr.Sandeep Goyal, Advocate,
for the respondent.**

AMIT RAWAL, J. (Oral)

The appellant-plaintiffs are aggrieved of the concurrent findings of fact, whereby the suit vis-a-vis declaration that they have become tenants on the suit land, has been dismissed.

Mr.Amit Jain, learned counsel appearing on behalf of the appellant-plaintiffs submits that prior to filing of the suit, Gram Panchayat had initiated ejectment proceedings, which were allowed and it was found that the appellant-plaintiffs had been in possession. In these circumstances, the suit was filed, but both the Courts below have committed illegality and perversity. He further submits that the aforementioned ejectment order was assailed by filing statutory appeal, which reached upto this Court and ultimately, this Court had given one month's time to deposit the penalty, but the same was not deposited, instead the aforementioned suit was filed. Thus,

the findings rendered for dismissing the application and not having taken into consideration the provisions of Punjab Security of Land Tenures Act, are not sustainable in the eyes of law.

Mr.Sandeep Goyal, learned counsel appearing on behalf of the respondent-defendant submits that no illegality and perversity in the concurrent findings of facts can be found, much less appellant-plaintiffs have failed to comply with the directions issued by this Court and, therefore, the suit was rightly dismissed and, thus, prays for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that there is no substance in the appeal as the appellant-plaintiff did not comply with the directions issued by this Court. As the appellant-plaintiff had not deposited the amount of penalty, the proceedings initiated under Section 7 of of the Punjab Village Common Lands (Regulation) Act, 1961 have attained finality. Under these circumstances, the status of the appellants was that of trespassers and not of tenant. Both the Courts below have also rendered the concurrent findings of fact, which are based on appreciation of oral and documentary evidence. No substantial question of law arises for determination.

I do not find any merit in the appeal. The same is accordingly dismissed.

March 01, 2016
ramesh

(AMIT RAWAL)
JUDGE