

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

**Regular Second Appeal No.1399 of 2013(O&M)
Date of Decision: August 31, 2016**

Makhan Singh

.....APPELLANT

VERSUS

Gram Panchayat Bika

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karnail Singh, Advocate
for the appellant.

Mr. V.K. Sandhir, Advocate
for the respondent.

SURINDER GUPTA, J.(Oral)

Heard.

2. The suit filed by the plaintiff-appellant seeking the relief of permanent injunction to restrain the defendant-Gram Panchayat from demolishing the bathroom and toilet, as shown in the site plan, with the plea that it has been constructed in land bearing Khasra No.15//16//3(1-0), Khewat No.142, Khatauni No.194, situated in Village Bika, Tehsil and District Nawanshahar, was dismissed by both the Courts below, with the observations that plaintiff has failed to prove that bathroom and toilet had been constructed over the above mentioned land. It was also admitted

case that *rasta* has been brick paved by the Gram Panchayat.

3. Onus was on plaintiff-appellant to prove that bathroom and toilet were constructed on the land bearing Khasra No.15//16//3(1-0). No evidence to this effect was produced by the plaintiff on record. He had not obtained any demarcation report, rather, site plan Ex.P1 shows that these bathroom and toilet have been constructed in the passage. In the absence of any evidence to support his contention by brining on record any cogent and convincing evidence, the Courts below have committed no error of law and fact while declining to grant the relief sought by appellant.

4. No question of law requiring determination arises in this appeal, which has no merits.

5. Dismissed.

(SURINDER GUPTA)
JUDGE

August 31, 2016.
deepak/jv

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No