

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

RSA No.3539 of 2016 (O&M)

Date of decision: 26.07.2016

AJAY SINGH

-Appellant

Versus

GRAM PANCHAYAT SATNALI

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.R. Yadav, Advocate for the appellant.

RAJ MOHAN SINGH, J. (ORAL)

CM No.9273-C of 2013

For the reasons mentioned in the application, delay of 29 days in filing the appeal is condoned.

Application stands disposed of.

RSA No.3539 of 2016

[1]. Challenge made in this appeal is to the judgment and decree dated 18.03.2016 passed by Additional Sessions Judge, Narnaul, whereby appeal of defendant-Gram Panchayat was accepted and suit of the plaintiff was held not maintainable as jurisdiction of Civil Court was barred.

[2]. Plaintiff sought permanent injunction on the ground that the Consolidation Authorities decided the claim of the plaintiff-appellant under Section 42 of the Consolidation Act and case was remanded back to the Settlement Officer. Settlement Officer has also passed an order dated 17.05.2002. Evidently,

the said order was never given effect in the revenue record. The order of the Settlement Officer has already been assailed before the Appellate Authority i.e. Assistant Director Consolidation and the same is statedly pending. The entries continued to be in favour of Gram Panchayat as the order passed by the Settlement Officer was never given effect, rather, the same was assailed before the Appellate Authority.

[3]. In a suit for permanent injunction, the plaintiff has asked for injunction without seeking declaration or implementation of the order passed by the Consolidation Authorities in the revenue record. The Appellate Authority has rightly found that such a relief cannot be granted, rather plaint has to be returned for presentation before proper Court.

[4]. At this stage, learned counsel for the appellant submits that he has options to approach the authorities under the Act for redressal of his claim. Be that as it may, It would be open to the appellant to seek any other remedy in accordance with law, but there cannot be any interference in this regular second appeal. Consequently, this appeal is dismissed being totally bereft of merits.

(RAJ MOHAN SINGH)
JUDGE

26.07.2016

prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No