

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3262 of 2015 (O&M)
Date of decision : March 28, 2016

Union of India and another

..... Appellants

Versus

Satara Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Karminder Singh, Advocate
for the appellants.

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?

Amit Rawal, J (oral).

The appellants-defendants are aggrieved of the injunction granted in favour of the respondents-plaintiffs not to interfere, much less demolish the construction in an area measuring 558 sq.yards bearing Khasra Nos. 1887 min and 1886 min of village Tung Pain Sub Urban Krishna Nagar, Amritsar.

Learned counsel for the appellants submits that in pursuance to the legal notice calling upon the plaintiffs to vacate the premises the respondents-plaintiffs removed the encroachment. The courts below erroneously decreed the suit. No injunction can be granted against un-authorized occupants, thus urges this Court to formulate substantial questions of law for adjudication by this Court.

I have heard learned counsel for the appellant and

appraised the paper book and of the view that in view of the ratio decidendi culled out by Hon'ble Supreme Court in **Rame Gowda Vs.**

M. Varadappa Naidu(dead) by L.Rs and another (2004) 1 SCC 769

it is a settled law that a person who is in long and settled possession cannot be dispossessed except in due course of law. The injunction is most innocuous. Nothing prevented the Union of India to seek remedial measures in accordance with law by initiating proceedings of removing the alleged encroachment.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below. The findings rendered by both the courts below are affirmed.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

**(AMIT RAWAL)
JUDGE**

**March 28 , 2016
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