

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

RSA-3379 of 2015 (O&M)

Date of decision: 10.03.2016

Lord Hanumanji

...Appellant

Versus

State of Haryana through Collector and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Dhanora, Advocate
for the appellant.

Jitendra Chauhan, J. (Oral)

The plaintiff/appellant filed a suit for declaration and permanent injunction as consequential relief. The trial Court vide judgment and decree dated 17.09.2013, dismissed the suit.

2. Aggrieved against the findings of trial Court, the plaintiff/appellant filed an appeal which was dismissed by the learned Appellate Court, vide judgment and decree, dated 19.05.2015.

3. The Appellate Court affirmed all the findings

recorded by the trial Court after discussing and evaluating the oral as well as documentary evidence on record, hence, the instant appeal at the behest of the plaintiff/appellant.

4. It is contended that both the Courts below have failed to appreciate the fact that the respondent/defendants without any right, title or interest had issued the notice dated 15.01.2011 to the appellant to demolish the temple. The temple was constructed after collecting donations from the villagers of village Amin and surrounding villages. The temple is not creating any hurdle in the functioning of grain market. The possession of the appellant over the suit property is continuous. In fact, the learned trial Court has dismissed the suit without affording sufficient opportunities to the plaintiff for adducing evidence.

5. Heard, the learned counsel for the appellant.

6. The defendants/respondent No.1 has duly contested the suit and filed written statement to the effect that the Grain Market at village Amin, Tehsil Thanesar, District Kurukshetra was established by the HSAMB, Panchkula and one Digamber Baba Amarpuri had encroached the land of Mandi to the extent of 3305.72 sq. feet in the month of June, 2009 and had illegally

raised pucca construction on the land measuring 716.97 sq. feet out of land measuring 3305.72 sq. feet. In order to take the benefit of religious sentiments of the people, he has illegally installed the deity of Hanumanji to conceal his act of encroachment.

7. The onus to prove his claim is upon the appellant that the defendants/respondents have no interest or title over the suit property, however, despite sufficient opportunities provided by the trial Court, the plaintiff has failed to bring even a single witness to substantiate the claim. The plaintiff has claimed that the temple was constructed after collecting donations from the residents of village Amin and nearby villages, however, none of them was examined nor it has come on record as to how he took possession of the land owned by the Mandi Board. Keeping in view the above, there is no scope for interference in the well reasoned judgments passed by the Courts below. No question of law, much less substantial question of law arises in the present appeal.

Dismissed in limine.

10.03.2016

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(JITENDRA CHAUHAN)
JUDGE

