

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4524 of 2015 (O&M)
Date of decision : March 28, 2016

Rohtash Singh and others

..... Appellants

Versus

Gram Panchayat and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sanjay Mittal, 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-plaintiffs are aggrieved of the dismissal of the suit claiming title in the shape of decree and injunction by challenging the mutation No.250 as per jamabandi for the year 1961-62 on the ground that the land belong to the proprietor/co-sharers. Both the courts below dismissed the suit on the ground that the property stood in the name of the Gram Panchayat.

I have heard learned counsel for the appellant and appraised the paper book and of the view that the suit was not maintainable in view of Section 13-A of the The Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana. Though, there was no specific issue in this regard but

issue No.4 regarding maintainability was framed.

In view of the facts aforementioned, the suit ex facie was not maintainable. In case, the appellants are aggrieved, they are entitled to seek declaration in an appropriate forum but not under Section 9 CPC. In case, such remedy is availed the finding rendered by the courts below shall not come in the way of the appellants. In essence, the controversy shall remain un-influenced with the findings rendered by both the courts below.

With the aforementioned observations, the findings of both the courts below are affirmed.

The appeal stands disposed of.

(AMIT RAWAL)
JUDGE

March 28 , 2016
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