

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

**Regular Second Appeal No.5380 of 2015 (O&M)
Date of Decision: February 01, 2016.**

Amarjit Singh and others

.....APPELLANT(s).

VERSUS

Gram Panchayat, Jatwar

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhag Singh, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Appellants-plaintiffs filed suit seeking the relief of permanent injunction to restrain Gram Panchayat of village Jatwar, Tehsil Naraingarh, District Ambala, from interfering in the lawful and peaceful possession of the plaintiffs and other proprietors of '*Patti Nath* and '*Patti Garja*' of Mouja Dabkaura over the land as fully described in the head note of the plaint. It was alleged that the suit land was reserved during consolidation proceedings for grazing cattle by the proprietors of '*Patti Nath* and '*Patti Garja*' of Mouja Dabkaura, Tehsil Naraingarh, District Ambala, which is a *Mouja Be-Chirag* (uninhabited village) and is not attached with Gram Panchayat of village Jatwar i.e. defendant and suit land vests only in proprietors of that Mouja.

The defendant contested the claim of the plaintiffs inter-alia pleading that the suit land is meant for grazing animals and is situated in

Mouja Dabkaura, Tehsil Naraingarh, District Ambala, which is a *Mouja Be-Chirag*. As the proprietors of village Dabkaura are residents of village Jatwar, as such, the defendant has every right, title and interest in the suit land.

Both the Courts below dismissed the suit of plaintiffs on the ground that they have failed to produce any document to show that they are proprietors of '*Patti Nath* and *Patti Garja*'. The revenue record produced on file reflects that plaintiffs are having property in village Dekola. The first Appellate Court, after perusal of the evidence on record, made observations to this effect in para 14 of the judgment, which read as follows:-

“14) Perusal of the plaintiffs' plaint goes to show that the plaintiffs claim themselves to be proprietors of Patti Natha and Patti Garja of village Dabkaura, Tehsil Naraingarh but plaintiffs failed to produce any list of proprietors of the village. In the absence of list of proprietors it cannot be ascertained as to whether the plaintiffs are actually the proprietors of the village or not. Moreover, it has been admitted by the plaintiffs in their plaint that the suit land was reserved for the purpose of grazing of cattle and how the plaintiffs can claim themselves to be in possession over the suit property is not clear.

It is well settled that all the common lands reserved in the village which is Shamlat land is the property of the Gram Panchayat and this is also the position with regard to the suit property where the ownership over the suit property is that of the Gram Panchayat. The plaintiffs as a result have no right to claim the relief of injunction against the true owners and moreover, they are merely apprehending that the defendant want to encroach upon the suit property, whereas the defendants themselves have clearly stated that the suit property is reserved for the purpose of grazing of cattle and as a result the plaintiffs have no exclusive right or possession over the suit

property and their apprehension without any action on the part of the defendant is misfounded.”

During the course of arguments, learned counsel for the appellants-plaintiffs could not make out that the findings of the Courts below are not based on proper appreciation of evidence on record or are based on misreading of evidence. The appellants-plaintiffs are claiming that the suit property belong to the proprietors of '*Patti Nath and Patti Garja*' but there is no material to show the names of proprietors of *Pattis* in question. In the absence of any evidence that the plaintiffs are proprietors of the land of '*Patti Nath and Patti Garja*' they have no concern with the title/possession of the suit land. Even otherwise, the land is meant for common use namely grazing of cattle, as such, is not under the possession or management of the plaintiffs.

On perusal of the paper book and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

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

Dismissed.

February 01, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE