

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

**Regular Second Appeal No.6100 of 2015 (O&M)
Date of Decision: February 17, 2016.**

Vinod Kumar

.....APPELLANT(s).

VERSUS

Gram Panchayat village Achariki

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Peeush Gagneja, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This is second appeal against the concurrent judgments and decree passed by the Courts below, whereby suit filed by the appellant-plaintiff seeking relief of permanent injunction against the defendant to restrain him from interfering in his peaceful possession over the land comprised in rect. No.62 killa No.17(7-15); 18/1(3-16), was dismissed.

2. The case of the plaintiff, in brief, is that the suit land was owned and possessed by his father and after the death of his father, plaintiff came into possession and became its absolute owner.

3. Defendant *Gram Panchayat* admitted the possession of plaintiff over the suit land in the written statement but contested the claim of plaintiff inter-alia pleading that he has no locus standi to file the present suit and his suit is not maintainable.

4. Both the Courts below discarded the plea of plaintiff on the ground that land in dispute is '*Shamlat Pati Dial Hasab Piamana Haqiat*' and is in possession of *Gurudwara Pati Dial*. Though name of plaintiff is mentioned in the column of possession along with *Gurudwara Pati Dial* as in possession of suit land being Chela of Bhagat Ram, he was found having no independent capacity of possession over the suit land. The plea of plaintiff that he was owner of the suit land, find no support from the revenue record produce and proved on file.

5. Learned counsel for the appellant has argued that the plaintiff is in possession of the suit land and this fact is admitted by the defendant and also supported by one of the Panchayat member and Sarpanch who appeared as witnesses to support the claim of the plaintiff.

6. Plaintiff has filed the suit in his capacity as Chela of Bhagat Ram. It appears that there is a Gurudwara Sahib of village Bhagner Khera under the management of Chaman Lal Chela of Bhagat Ram. Gurudwara Sahib is in possession of land bearing khasra No.129, 17/1, 24, 129/16, 25 and also the suit land. The above land except the suit land is recorded to be under the ownership of Gurudwara Sahib and in the column of cultivation, name of plaintiff is recorded as in possession being Chela of Bhagat Ram. Plaintiff has nowhere alleged that he is in possession of the suit land on behalf of Gurudwara Sahib but he is claiming his exclusive possession over the suit land, which he could not prove by producing on record any evidence. The suit land is of *Shamlat Pati* and vests in Gram Panchayat.

7. In view of the above facts, both the Court below have committed no error of law while declining the relief of injunction as claimed

by the plaintiff.

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

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

10. Dismissed.

February 17, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE