

**In the High Court of Punjab and Haryana at Chandigarh**

**RSA No. 6261 of 2014(O&M)  
Date of Decision:4.5.2016**

**Sapattar Singh and others**

**---Appellants**

**vs.**

**Gram Panchayat of village Parail**

**---Respondent**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

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**Present:** Mr. Deepak Sharma, Advocate  
for the appellants

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

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**Rekha Mittal, J.**

The present appeal has been directed against the consistent findings recorded by the Courts below whereby suit filed by the appellants/plaintiffs for grant of permanent injunction was dismissed by the learned trial court vide judgment and decree dated 8.1.2013 and the findings recorded by the trial court have been affirmed in appeal dismissed by the Additional District Judge, Ambala.

The appellants/plaintiffs have claimed themselves to be co-sharers and in cultivating possession of suit land measuring 47 kanals situated in village Parail, described in head note of the plaint. It is further

averred that Sh. Ram Kumar was elected as sarpanch and he got filed civil suit titled “Ram Kumar and others vs. Gram Panchayat and others” for injunction restraining the plaintiffs and others from alienating the land in question and the suit is pending. Ram Kumar sarpanch in collusion with non-proprietors want to disturb possession of the plaintiffs and other co-sharers.

Defendant-Gram Panchayat filed a written statement raising preliminary objection inter alia that civil court has no jurisdiction to entertain and try the suit, the plaintiffs have no locus standi and cause of action to file the suit and they have concealed true and material facts from the court. On merits, it has been pleaded that suit land is covered under the definition of Shamlat Deh and has vested in the gram panchayat. The land was reserved for common purposes, leased out by the gram panchayat on year to year basis and has given the suit land to Forest Department for plantation of trees.

On due consideration of rival submissions made by counsel for the parties in the light of materials on record, the trial court non-suited claim of the plaintiffs/appellants by holding that they have failed to prove that they are in possession of the suit land and thus entitled to seek injunction against forcible interference/dispossession. As has been noticed hereinbefore, the first appellate court concurred with the findings of the learned trial court on material aspects of the matter.

Counsel for the appellants has submitted that the appellants are recorded to be in possession of the suit land in the jamabandi for the year 2000-01 and the entry in jamabandi carry a presumption of correctness

unless rebutted. It is further submitted that as suit land was created during consolidation by imposing a pro rata cut on land holdings of the proprietors under the provisions of The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948, the appellants being the owners in possession of the suit land are entitled to protect their possession except in due course of law.

I have heard counsel for the appellants, perused the paper book particularly the judgments passed by the courts below.

In a suit for injunction against forcible dispossession, it is incumbent upon the plaintiff to prove that he is in settled possession of the suit property and cannot be dispossessed by forcible and illegal means. In the case at hand, an application was filed before the revenue authorities for correction of khasra girdawari and the same was allowed in favour of the plaintiffs-appellants vide order dated 9.8.2000. As a consequence of correction of khasra girdawari vide order passed in August 2000, an entry was carried forward in the jamabandi for the year 2000-01 in their favour. It is an undisputed position of the case that the order dated 9.8.2000 in regard to correction of khasra girdawari passed in favour of the appellants has been set aside by a competent authority and the matter with regard to correction of khasra girdawari is sub judice before the authority concerned. As the entry in the jamabandi for the year 2000-01 is based on correction of khasra girdawari vide order dated 9.8.2000, which is admittedly set aside by a competent authority, correctness of single entry in the jamabandi for the year 2000-01 in favour of the plaintiffs/appellants stands rebutted de hors the evidence, if any, adduced by the gram panchayat. Counsel for the

appellants has fairly conceded that besides entry in the jamabandi for the year 2000-01, there is no other evidence worth consideration to establish claim of the appellants/plaintiffs that they are in possession of the suit land. As counsel for the appellants has failed to point out any materials on record to show that the findings recorded by the Courts below are either based on misconstruing of evidence or by ignoring any material piece of evidence, there is no ground to differ with the factual findings recorded consistently when otherwise the appeal does not give rise to a question of law much less a substantial one.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

**(Rekha Mittal)**  
**Judge**

**4.5.2016**  
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