

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.38 of 2017

Date of decision: 11.01.2017

Rohtash

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 22.08.2016 (Annexure P-5) passed by learned Additional District Judge, dismissing the miscellaneous appeal of the petitioner and upholding the order dated 27.07.2015 (Annexure P-3) passed by learned trial Court, dismissing the application of the petitioner moved under Order 39 Rules 1 and 2 of the Code of Civil Procedure (for short 'CPC'), declining the ad interim injunction in his suit for permanent injunction, petitioner has approached this Court by way of instant revision petition.

Heard learned counsel for the petitioner.

It has gone undisputed on record that the land in question is the absolute ownership of the respondent-Gram Panchayat. Petitioner is in possession of the suit land. However, neither there is any lease deed in favour of the petitioner nor he is claiming any title over the suit land. Possession of the petitioner is not an old one. As per his own showing, petitioner entered into the

possession of the suit land only about two years ago and that too forcibly. Petitioner is not paying any lease money to the respondent-Gram Panchayat. Having said that, this Court feels no hesitation to conclude that petitioner is rank trespasser, thus, not a bonafide litigant. In this view of the matter, none of the basic ingredients for granting interim injunction is available in favour of the petitioner and both the impugned orders deserve to be upheld.

The learned trial Court as well as the First Appellate Court have recorded cogent findings, while passing their respective impugned orders. Each and every relevant aspect of the matter was examined, discussed and appreciated in the correct perspective. Neither balance of convenience was found in favour of the petitioner nor any irreparable loss was likely to be caused, in the absence of any interim injunction. Further, since no prima facie case was found to be made out in favour of the petitioner, his application under Order 39 Rules 1 and 2 CPC was rightly dismissed by the learned trial Court. Learned First Appellate Court was also well within its jurisdiction to dismiss the miscellaneous appeal of the petitioner and both the impugned orders deserve to be upheld, for this reason also.

None of the impugned orders have been found suffering from any patent illegality or perversity, which may warrant interference at the hands of this Court, while exercising its supervisory jurisdiction under Article 227 of the Constitution of India. Further, no prejudice of any kind whatsoever has been shown, which might have been caused to the petitioner by passing the impugned orders. It is also pertinent to note here that the respondent-Gram Panchayat was not intending to dispossess the petitioner forcibly and it was proceeding against the petitioner, only in accordance with law. This was the

reason that a notice was issued to the petitioner. Petitioner has not been found having a case either on facts or in law. There is no equity in favour of the petitioner and the impugned orders deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

11.01.2017

vishnu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No