

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

CR No.6137 of 2017
Date of decision : 18.09.2017

Harpal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Bansal, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs are in revision petition against the order dated 25.07.2017 passed by the Additional District Judge, Panipat, dismissing the application filed under Order 39 Rules 1 and 2 CPC for grant of temporary injunction.

It is not in dispute that the plaintiffs were claiming themselves to be lessee of one Thakurdwara. Even the lease period has expired because the lease period was for 50 years.

As per the orders passed by the Commissioner and the Financial Commissioner, the land vests in the Gram Panchayat. The plaintiffs have filed a suit against State of Haryana and Gram Panchayat. Both the Courts below after considering the facts available on the file have rejected the application on the ground that the land is recorded as shamlat deh in the revenue record.

Learned counsel for the petitioners has submitted that the petitioners are not claiming the title. The possession of the petitioners is simply on the basis of the lease deed dated 06.02.1967 and the defendants cannot be permitted to dispossess the plaintiff except in due course of law.

I have considered the submission of the learned counsel for the petitioners. However, I do not find any force in the same.

The lease deed dated 06.02.1967 which was for a period of 50 years has come to an end. The possession of the plaintiffs is unauthorized. As per the orders passed by the Commissioner and Financial Commissioner, the land is shamlat deh.

In these circumstances, State of Haryana and Gram Panchayat are trying to take the possession of the land in accordance with law.

An unauthorized occupant is not entitled to injunction even if he is in settled possession.

In view thereof, I do not find any good ground to interfere with the order dated 25.07.2017 passed by the Additional District Judge, Panipat, Revision petition is dismissed.

18.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No