

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

**RSA No. 4417 of 2012 (O&M)
Date of decision: 11.09.2017**

Piara Singh and others

...Appellants.

Vs.

Punjab State and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Deepak Verma, Advocate for the appellants.

Mr. Kuldip Sanwal, Advocate
for respondent nos. 5 to 8.

RAJIV NARAIN RAINA, J. (ORAL)

The plaintiffs were subsequent purchasers of the land which was bought in dispute in the year 1989. The portion of the public road over which the plaintiffs asserted their rights was built in the year 1970-71; many years before they came on the land. They cannot, therefore, complain about the existence of public road which they are themselves plying on since 1989 till the filing of the suit in the year 2004.

The suit was a title suit, but, the plaintiffs did not lead the best evidence that they may have had, which was the sale deed and whether in that sale deed the boundaries were described so that those could be matched with the alignment of the road. Even if they had any right over a portion of the road, they had waived it by acquiescing in passing and re-passing of the general public.

If the road is in existence since the year 1970-71, then the entire community of the village has developed easementary rights over the road which cannot be disturbed by allowing time to lapse irrevocably.

When the plaintiffs bought the land, they did so with open eyes and their claim that they entered the land without demarcation is hard to believe. No prudent person would buy land without visiting the site and doing due diligence of revenue papers in the *patwarkhana* relating to the land in dispute. The principle of caveat emptor applies. This not only holds good as far as the State of Punjab is concerned, but also for the private respondents who may have been in possession over the disputed part of the land prior to the purchase by the plaintiff.

Both the courts have dismissed the suit and I find no reason to alter their findings of facts record after appreciating the evidence on record, in regular second appeal side of this Court. No substantial question of law arises under Section 100 CPC and under Section 41 of the Punjab Courts Act 1918 for consideration.

The appeal is devoid of merits and is hereby dismissed.

[RAJIV NARAIN RAINA]
JUDGE

11.09.2017

kv

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***