

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

RSA No. 25 of 2015 (O&M)  
Date of Decision: 12.10.2017

RAME @ RAM KISHAN THROUGH HIS LRS. JOGINDER AND  
ORS.

-APPELLANT

VS

RAMANAND THROUGH HIS LRS. JOGINDER SINGH AND  
ORS.& ORS

-RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Sumeet Goel, Advocate,  
for the appellant.

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**RAJ MOHAN SINGH, J. (ORAL)**

Plaintiff-appellant is in second appeal in a suit for permanent injunction. Unauthorized possession of the Panchayat land was proved with reference to demarcation report and report submitted by Local Commissioner who was appointed at the request of the appellant himself.

Both the Courts below have appreciated the evidence on record to the effect that admittedly, plaintiff-appellant is owner in possession of Khasra No.210/11/1/2 (1-5) and the same is so recorded in the revenue record viz jamabandi Ex.P3.

It is also a conceded position that towards western side of the suit land, there is a rasta comprised in Khasra No.648 owned by Gram Panchayat. This rasta has already been

recorded in the revenue record. Qua the encroachment done on the rasta, an ejectment petition was filed by the Gram Panchayat against the plaintiff-appellant which was allowed by Assistant Collector 1st Grade, Bahadurgarh vide order dated 12.01.2006.

Plaintiff-appellant remained unsuccessful in appeal filed against the aforesaid order of ejectment which was dismissed by the Appellate Authority vide order dated 14.03.2006. The said order was never assailed further. The Local Commissioner as well as report of demarcation have testified the unauthorized encroachment of the plaintiff over Khasra No.648 which is a rasta vesting in the Gram Panchayat.

The trial Court has also recorded a finding that the unauthorized possession of the plaintiff-appellant has already been removed and that fact has been concealed by the plaintiff-appellant in filing suit for permanent injunction. In a way, suit for permanent injunction has been rendered infructuous.

Owing to the conduct of the plaintiff and material on record, both the Courts below have given no indulgence in favour of the plaintiff.

No exception can be made out on the basis of appreciation of evidence which has already been done concurrently by both the Courts below.

This appeal is found to be totally bereft of merits and the same is, accordingly, dismissed.

**CM No. 100-101-C of 2015**

Since, the main appeal has been decided on merits, therefore, there is no necessity of passing any order in the application for condonation of delay.

12.10.2017  
*jyoti*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No