

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

RSA No. 2810 of 2015 (O&M)

Date of Decision: 27.11.2017

GURVINDER SINGH

-APPELLANT

VS

GOVERNMENT OF INDIA (UNION OF INDIA) AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Raghuvinder Singh, Advocate,
for the appellant.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Plaintiff is in second appeal in a suit for declaration and permanent injunction in respect of land measuring 3.09 acres bearing Survey No.207/4685 Ambala Cantt. which was owned by Union of India-defendant No.1 and managed by defendant No.2 as old grant. Permanent injunction was also sought against defendant No.3 not to interfere in the possession of the plaintiff.

[2]. Plaintiff has claimed himself to be in possession over the suit property for more than 30 years on the basis of adverse possession and the land was claimed to be vacant and there was a deserted and dilapidated small construction in the form of mandir in the area of only 10 Marlas. There was no regular pujari nor the mandir was managed by anyone. Right of

defendant no.3 was denied.

[3]. Both the Courts below have denied the relief to the plaintiff which was based on adverse possession. Adverse possession is a plea which can be taken as defence only. The old grant vested in Municipal Council-defendant No.4 in view of agreement dated 05.02.1977 and in turn, the land was transferred to Government of Haryana.

[4]. The possession of the plaintiff was denied, even otherwise, it is a settled principle of law that the possession over the vacant land goes with the title. Non-user of the property would not affect the rights of the true owner.

[5]. The suit on the basis of adverse possession is not maintainable.

[6]. No law point worth cognizance is involved in the present appeal.

[7]. This regular second appeal is, accordingly, dismissed.

27.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No