

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

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RSA No.5267 of 2015 (O & M)
Date of Decision:22.11.2017

Ramphul (deceased) through LRs and others

...Appellants

Versus

Gram Panchayat Vill. Kutani, Jhajjar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagmohan S. Ghumman, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-appellants are in regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiffs had filed a suit for permanent injunction restraining the defendant from interfering into their peaceful possession. The suit was filed against Gram Panchayat, Kutani, District Jhajjar. Gram Panchayat filed a written statement and pleaded that the plaintiffs have already been ordered to be evicted from the land in dispute vide order dated 14.07.1999 passed by the Assistant Collector, Ist Grade, Jhajjar, Ex.D3 on the record.

Both the Courts below after appreciating the evidence available on the file and after relying upon the eviction order Ex.D3, dismissed the suit.

Learned counsel for the appellants has submitted that the plaintiffs are still in possession of the property and, therefore, their possession should be protected from forcible dispossession.

I have considered the submission of learned counsel. However,

been order to be ejected in accordance with law vide order dated 14.07.1999 Ex.D3 on the file. Learned counsel for the appellants does not dispute this fact. Once there is an eviction order, the possession of the plaintiffs, if any is totally illegal and unauthorized. Gram Panchayat has already taken a step to get the plaintiffs evicted from the land in accordance with the procedure prescribed.

Taking into consideration the aforesaid fact, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Hence, this regular second appeal is dismissed.

22.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No