

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

**RSA No. 3644 of 2017 (O&M)
Date of decision : 14.07.2017**

State of Haryana through Collector Sonapat & ors. ...Appellants

versus

Karambir ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.K. Mittal, DAG, Haryana
for the appellants

RITU BAHRI, J.

C.M. No. 8822-C of 2017

For the reasons mentioned in the applications, delay of 214 days in filing of the present appeal is condoned.

The application stands disposed of accordingly.

RSA No. 3644 of 2017

The State has come up in regular second appeal against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-respondent (herein after to be referred as 'the respondent') for permanent injunction restraining the defendants from constructing the land of the respondents and from encroaching upon the agricultural land, has been decreed.

A bare perusal of the judgments shows that the respondent in order to prove his ownership, had placed on record the jamabandi for the year 2008-09 (Ex PW3/A) wherein his name has been recorded as owner of

the disputed land. It further shows that after the death of Hoshiyar Singh (father of the respondent), the name of the respondent has been recorded as owner of the disputed property. The respondent had also examined P.W.5 who had specifically and categorically deposed that the encroachment over the suit land was made by the appellants during the pendency of the suit. Further he stated that the respondent was owner of the suit land. Further P.W.2 had also proved that he had conducted the demarcation on the spot and prepared the demarcation report (P.W.2/A). Further he stated that at the time of demarcation, officials of the appellants were also present on the spot and after demarcation it was found that there was encroachment over the land of the respondent, with red colour in the site plan prepared at the time of demarcation. No objection was filed by the appellants to the demarcation report.

In view of the above factual position, both the Courts below had rightly held that the respondent is owner of the disputed land.

Accordingly, the concurrent findings of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

14.07.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No