

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

1. RSA No.1817 of 2016 (O&M)
Date of decision : 10.10.2018

Suraj Parkash ...Appellant

Versus

Oriental Bank of Commerce ...Respondent

2. RSA No.2383 of 2016 (O&M)
Date of decision : 10.10.2018

Naresh Kumar ...Appellant

Versus

Oriental Bank of Commerce ...Respondent

3. RSA No.2384 of 2016 (O&M)
Date of decision : 10.10.2018

Surinder Kumar ...Appellant

Versus

Oriental Bank of Commerce ...Respondent

4. RSA No.2584 of 2016 (O&M)
Date of decision : 10.10.2018

Amarjit Singh ...Appellant

Versus

Oriental Bank of Commerce ...Respondent

5. RSA No.3298 of 2016 (O&M)
Date of decision : 10.10.2018

Mohinder Partap ...Appellant

Versus

Oriental Bank of Commerce ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Lath, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.4881-C of 2016 in RSA No.1817 of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 22 days in refiling the present appeal is condoned.

Application is allowed.

Main cases

Applications for additional evidence has been filed to produce the copies of the receipts issued by the Municipal Council, Rupnagar which would be discussed and decided while discussing the main case.

By this judgment, five appeals bearing RSA Nos.1817, 2383, 2384, 2584 & 3298 of 2016 shall stand disposed of as common issue needs determination.

It is not in dispute that the plaintiffs-appellants in all the appeals have no right, title or interest in the property in dispute. They claim that they are paying licence fee to the Municipal Committee and are running temporary kiosks.

On the other hand, there is a nationalized Bank which claims that the property belongs to them and the plaintiffs-appellants in all the appeals have no right to encroach upon the same. Both the Courts have found that the plaintiff in each suit is unauthorized occupant but not entitled to any injunction as against the true owners.

Learned counsel for the appellant although tried to persuade this Court to take a different view on the ground that the plaintiff in each of the case is a poor person and in settled possession. However, no injunction can be granted in favour of encroacher. The property of a nationalized bank is a public property and, therefore, encroacher cannot be granted protection by the Court.

It is well settled that unauthorized occupant has no right to continue in possession and no injunction should be granted in favour of the unauthorized encroacher against the true owner.

By way of additional evidence, the receipts issued by the Municipal Committee are sought to be produced, however, since the property belongs to a nationalized bank, the receipts, if any issued by the Municipal Committee would not legalize the possession of the appellant. Hence, there is no ground to interfere.

In view of the above, applications for additional evidence bearing CM No.6322-C of 2016 in RSA No.2383 of 2016 and CM No.6325-C of 2016 in RSA No.2384 of 2016 as well as all the main appeals are dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

10.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No