

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

RSA No. 2420 of 2016 (O&M)
Date of decision : September 26, 2018

Rameshwar Dass

..... Appellant

v.

Municipal Council, Jind

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Varun Jain, Advocate
for Mr. Arihant Jain, Advocate
for the appellant.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for injunction filed by the appellant.

The case of the appellant was that he was the owner of a property over which he had constructed three shops and a gallery and the respondent-Municipal Council, Jind had no right to demolish that wall. Both the Courts below held that the appellant had not produced on record any evidence about his ownership over the property. The Courts below also noticed that even the construction made by the appellant was just boundary walls without the roof. The Courts below also noticed that in between the property of the appellant and the property in dispute there was an open space and they consequently came to the conclusion that even though the appellant may have made some constructions, it was not proved to be an

established possession and the Court would not allow this kind of injunction against the civic body, and hence the present appeal.

Counsel for the appellant has argued that in the year 1991, the Municipal Council had filed a petition under the Public Premises Act against the appellant in respect of the same property but that petition was withdrawn. As per him, this shows that since 1991-92, the appellant was in possession of the property in dispute.

In my opinion, once it was the case of the appellant that he was the owner in possession but he had no document of ownership, the Courts were not unjustified in coming to the conclusion that he had come to the Court with unclean hands and, therefore, dismissed the suit. Even otherwise, it is the general tendency of the people to encroach upon the public property, and it ill behoves the Court to encourage such activities. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 26, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No