

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

RSA No.357 of 2016 (O&M)

Date of decision : 21.05.2018

Gram Panchayat Village Tajalpur

...Appellant

Versus

Manga Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Bhandohal, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff had filed a suit for recovery of ₹10,50,000/- alongwith future interest @ 18% p.a. with the assertions that he had taken on lease the land measuring 149 bighas and 02 biswa on 03.06.2010. However, the Gram Panchayat-defendant- appellant could not deliver the possession of the land as the land was in possession of one Darshan Singh who kept on enjoying the possession under the interim order passed by the High Court. The defendant-appellant contested the suit and pleaded that the possession was delivered to the plaintiff.

Both the Courts after appreciation of the evidence have found that in fact the possession was not delivered to the plaintiff and, therefore, the plaintiff is entitled to refund of the amount paid as he could not enjoy

the possession.

Learned counsel for the appellant has submitted that as per Section 13 of the Punjab Village Common Lands (Regulation) Act, 1961, any action of the Gram Panchayat cannot be questioned in the Civil Court. He submitted that the jurisdiction of the Civil Court is barred. This Court has considered the submission. Here in the present case, the action of the Gram Panchayat as such has not been challenged. Only a suit for refund of the amount deposited has been prayed for. This would not fall within the words “action of the Gram Panchayat”.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

21.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No