

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

RSA No.3863 of 2016 (O&M)

Date of decision : 23.10.2018

Leelu Singh

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajeet Pal Singh Pakka, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.10019-C of 2016

Application is allowed. Deficiency in the Courts fees has already been made good.

CM No.10020-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 140 days in re-filing the present appeal is condoned.

Application is allowed.

Main case

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

Undisputedly, the land belongs to the Government of Punjab.

The plaintiff claimed that the land belongs to the Custodian and he is in

peaceful possession of the land for the last 50 years.

On the other hand, Government has taken a stand that the land is being leased out on year to year basis. No doubt, certain receipts proving the payment of the rent has been proved on file, however, the plaintiff has failed to establish any preferential right, title or interest in the suit property because of possession. State of Punjab has taken a stand that the plaintiff cannot restrain the owner from carrying out the auction of the property.

Before this Court also, the plaintiff could not establish any preferential right, title or interest merely on the basis of the possession. Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

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

23.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No