

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

RSA No.4877 of 2016(O&M)

Date of Decision:-17.01.2018

Sukh Ram & Anr.

.....Appellants.

Versus

Municipal Corporation, Faridabad & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Atul Lakhanpal, Senior Advocate assisted by
Mr. R.S. Chahal, Advocate for Appellants(plaintiffs).

JASWANT SINGH, J.

Plaintiffs/appellants are in second appeal, aggrieved against the concurrent findings returned by the Courts below, whereby their suit for declaration with consequential relief of permanent injunction has been dismissed by learned Civil Judge(Jr. Divn.), Faridabad vide judgment and decree dated 23.09.2014 and the findings thereof have been affirmed by the learned Additional District Judge, Faridabad vide judgment and decree dated 22.7.2016.

Learned Counsel for the appellants has argued that they are claiming ownership over the suit property, being the proprietors of village Pali and have been in possession over the same since the year 1980. It is further argued that in view of the Full Bench decision of this Court in **Suraj**

Bhan Vs. State of Haryana & Anr. 2017(2) PLR 605, the land does not

vest in Municipal Committee until and unless compensation is paid to the proprietary body/individual land holders of the proprietary body because admittedly, the suit property was within the limits of Gram Panchayat.

After hearing learned Counsel for the appellants and perusing the paper book with his able assistance, this Court is of the considered view that the present appeal is devoid of any merit and deserves to be dismissed.

The case set out by the appellants/plaintiffs is that the property in question was earlier owned by Village Pali but later on vested in Gram Panchayat and now with Municipal Corporation, Faridabad. As per the plaintiffs, they are the proprietors of the village and have remained in possession of the suit property measuring 24 Kanals and thus, they are entitled to be declared as owners in possession of the suit property. However, a perusal of the impugned judgments and Decrees would show that the appellants have miserably failed to prove that the suit property was ever under the ownership of any of the predecessors in interest of the plaintiffs-appellants. It is also an admitted fact that vide notification dated 01.06.1992, the suit land vested with the Municipal Corporation, Faridabad and thereafter, Municipal Corporation, Faridabad has been recorded as owner of the property in question. Although, the plaintiffs/appellants are claiming themselves to be the proprietors of the village but as stated earlier, no documentary evidence has been brought on record by them to prove themselves as owners. Even the *jamabandies* that have been placed on record by plaintiffs-appellants, do not relate to the suit property and as such the courts below have rightly held that no document of title has been placed on record by the plaintiffs which would co-relate the suit property with them.

In view of the above, it cannot be held that the plaintiffs are the proprietors of the village and could claim the land to be their own merely on the basis of long possession over the suit property. As far as the Judgment relied upon by Ld. Counsel for appellants-plaintiffs is concerned, I am afraid the said Judgment also does not come his rescue. As per para 218(e) of the said judgment, if a land, which comes into Municipal limits by enlargement of a municipal area, which was earlier a *Shamlat* land or recorded as *Shamlat Deh* simplicitor, would not entail anybody in its possession to seek compensation because the same would escheat to the State. Similarly, as per para 218(f) of the Judgment, compensation can be granted only to those land owners who are able to show semblance of ownership/vestige of title on the property. However, as held earlier, the plaintiffs have miserably failed to prove the same.

Keeping in view the foregoing discussion, finding no question of law much less substantial question of law arising for determination in the present second appeal, the same is hereby dismissed.

(JASWANT SINGH)

JUDGE

January 17th, 2018

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>