

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

RSA No.6287 of 2016 (O & M)
Date of Decision:21.05.2018

Sandeep Kumar

...Appellant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Boparai, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Along with the appeal, learned counsel for the appellant also moved an application under Order 41 Rule 27 of the Code of Civil Procedure to prove that the plaintiff was entitled to the possession of the property.

This Court has seen the additional evidence sought to be produced, which includes some allotment letters issued on 28.11.1967 and thereafter evidence of leasing out the property to Sadiq Masih, Nazar Singh, Mohan Singh and Tara Singh for a period of 10 years. Further claim of the appellant is that the possessory rights were sold by the aforesaid persons in favour of the appellant. As per the concurrent findings of fact, the land is situated on India Pakistan Border, owned by Union of India through Border Security Force (BSF). The plaintiff could not produce any document to prove that he was entitled to the property. Although, the application for

additional evidence has been moved. However, even that does not improve the case of the appellant as the alleged allotment letter, which has not been proved on file, only entitles different persons to cultivate the land for a period of 10 years, which have already lapsed. It is not the allegation of the appellant that thereafter there was any permanent allotment of the land. The property in dispute is a public property and is located in a sensitive area. The Court by granting injunction cannot put the security of the country in jeopardy.

In view thereof, there is no scope for interference.

Regular second appeal is dismissed.

21.05.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No