

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

RSA No.860 of 2016 (O&M)

Date of decision : 04.07.2018

Ajay Kumar

...Appellant

Versus

Sub Registrar, Sohna and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-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 mandatory injunction for issuing direction to the Registering Authority to register the sale deed produced by the plaintiff and defendant Nos.3 to 6. State of Haryana and Registering Authority contested the suit and pleaded that the land which was sought to be sold was in fact shamlat deh as defined in Section 2(g) of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana and there are instructions issued by the Government of Haryana to all the Registering Authority not to register the sale deed in respect of shamlat deh land dated 13.09.2012.

Both the Courts below on appreciation of the evidence, have dismissed the suit filed by the plaintiff.

There was no issue on title. The instructions issued by the State of Haryana were also not challenged.

In these circumstances, this Court feels that there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed. However, the appellant or the proforma respondents shall be at liberty to file a suit for establishing their title and challenge the instructions issued by the State of Haryana.

04.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No