

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

RSA No.1472 of 2018 (O&M)

Date of Decision:15.03.2018

Hukam Chand

.....Appellant

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Chanderhas Yadav, Advocate
for the appellant.

RAMENDRA JAIN, J. (Oral)

Unsuccessful plaintiff has preferred this regular second appeal assailing the judgment and decree of the First Appellate Court dated 28.11.2017, affirming the judgment and decree of the trial Court dated 17.03.2017, whereby his suit was dismissed.

In nutshell, the plaintiff has no legal right to retain possession of plot No.2983/9 owned by the Custodian Department, having no document of title in his favour. However, he filed a suit for permanent injunction against the respondents claiming his possession over the suit property taking vague pleas. The trial Court holding trial, dismissed his suit. The appellant also remained unsuccessful before the First Appellate Court inasmuch as his appeal too was dismissed.

Counsel for the appellant inter-alia contends that it is only the Custodian Department being owner of the suit property, can eject the appellant- plaintiff from the same. Respondent No.3 is stranger to the suit property. Therefore, both the Courts below have erred in not restraining him from evicting the appellant from the suit land illegally and forcibly.

Having given considerable thought to the submissions made by learned counsel for the appellant, I find the instant appeal completely devoid of any merit, rather is of the considered view that filing of the instant appeal is a dishonest attempt of the appellant to usurp the land of the Custodian Department on false pleas for the following reasons:-

(1) The appellant- plaintiff is not admittedly owner of the suit property and thus he had no cause of action or locus standi to file any suit for permanent injunction against the respondents.

(2) Even in his cross-examination, the appellant- plaintiff had admitted that his temporary construction over the suit property has already been demolished.

(3) Alleged tethering of cattle by the appellant- plaintiff in the suit property does not prove his possession over the same.

(4) No question of law much substantial has been raised or arises in this appeal.

I have gone through the judgments of both the Courts below and find no illegality or perversity in the same. Accordingly, the appeal is dismissed with costs of Rs.20,000/- to be deposited with Haryana State Legal Services Authority.

A copy of this order be sent to Member Secretary, Haryana State Legal Services Authority, who is directed to recover the costs of Rs.20,000/- from the appellant.

March 15, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No