

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

**RSA No.1957 of 2017 (O&M)
Date of Decision.07.12.2018**

Dr. Inderjit Singh Yadav and others

....Appellants

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sudhir Aggarwal, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

C.M. No.4658-C of 2017

For the reasons stated in the application, delay of 19 days in
filing of the appeal is condoned.

Application is allowed.

RSA No.1957 of 2017

The appellants-plaintiffs have not been successful in
seeking injunction against the Municipal Corporation and mandatory
injunction for forcible interference and dispossession in respect of
suit land adjoining the land of the plaintiff.

Mr. Sudhir Aggarwal, learned counsel appearing for the
appellants submitted that the land in dispute was near pond where
there was a Samadhi and mandir, which had been in possession of the
plaintiffs and the people have been offering prayers. Earlier the Gram
Panchayat was the owner of the property but owing to the extension
of limits, the property vested in the Municipal Corporation. Even
vesting was not in accordance with the ratio decidendi culled out by

Division Bench of this Court in *Suraj Bhan and others Vs. State of Haryana 2017(2) RCR (Civil) 934* as the Gram Panchayat was entitled to compensation.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the submission of Mr. Aggarwal. Concededly, the Gram Panchayat is not party to the *lis*. The plaintiffs have also not able to establish the possession. In such circumstances, a person who seeks equity must do equity. The argument would have lied in the mouth of the Gram Panchayat had there been a challenge to the vesting proceedings but not in the manner and mode. This is what has been noticed by the Courts below.

In view of the aforementioned observations, I do not find any illegality and perversity in the judgments and decrees rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 07, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No