

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4059 of 2017 (O&M)

Date of Decision: 28.11.2018.

Gurjant Singh

... Petitioner

Versus

Gram Panchayat

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Angel Sharma, Advocate
for the appellant.

Mr. Sherry K. Singla, Advocate
for the respondent.

ANIL KSHETARPAL J. (ORAL)

CM-10436-C-2017

This is an application filed under Section 5 of the Limitation Act seeking condonation of 28 days delay in filing the appeal.

Learned counsel for the respondent has no objection if the appeal is allowed.

Heard.

The application is allowed and for the reasons mentioned in the application, delay of 28 days is condoned.

Main Appeal

Plaintiff/appellant is in appeal against the judgment passed by the learned First Appellate Court whereby the judgment and decree passed by the learned Trial Court in favour of the plaintiff in his suit for permanent injunction was set aside.

Admittedly the property in dispute belongs to the Gram Panchayat.

It is also an admitted fact that the piece of land which is in dispute is part of water works which supplies water to the entire village. The First Appellate Court has refused injunction on two grounds:- Firstly, no injunction can be granted against the true owner; secondly that the land is meant for a public purpose i.e., water works and this fact has been admitted by the plaintiff himself.

Learned counsel for the appellant has made sincere endeavour to persuade this Court to take a different view. However, this Court is of the view that if such injunction are granted, it would result in encouraging to encroach up the public land and then seek protection of the Court. This would not be in the interest of the society. Therefore, there is no ground to interfere.

Dismissed.

November 28, 2018
rekha sharma

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*