

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

RSA No.4215 of 2018 (O&M)

Date of decision : 18.07.2018

Ram Charan

...Appellant

Versus

M/s Hanuman Foot Tech Industries and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Lamba, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.1-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs-respondents filed a suit for possession of Industrial Plot bearing No.E-31, Old Industrial Area Bahadurgarh, District Jhajjar which was allotted to the firm M/s Jug Lal-Balbir Singh Panchal in the year 1950. Conveyance deed of the aforesaid property was executed in the name of the firm on 18.04.1966. However, the property was resumed by the Allotment Authority vide order dated 02.01.1970. Legal heirs of Jug Lal and Balbir Singh applied for setting aside of resumption order which was allowed and the property was restored vide order dated 04.03.2008. It is claimed that legal heirs of Jug Lal and Balbir Singh entered into an agreement to sell after seeking permission from the Department and ultimately the entire property was transferred in favour of the plaintiffs.

In the present case, the defendants contested the suit and pleaded that after resumption of the plot, the firm had no concern with the suit property and the property came to vest in the Industries Department, Haryana. The defendants have further pleaded that in the year 1973, they started running a saw mill in the disputed plot and thereafter they constructed boundary wall and three rooms. The defendant-appellants admittedly does not claim any right, title or interest in the property.

Both the Courts after appreciation of the evidence available on the file have decreed the suit after finding that the defendants have failed to prove that they have perfected their title by hostile and adverse possession.

Learned counsel for the appellant has further argued that the order of de-resumption is bad as it was passed by the authority which was not competent.

This issue has also been examined by both the Courts below. Still further, in the considered opinion of this Court, the de-resumption of the plot is matter between the Allotment Authority and the allottee and a person who is in unauthorized possession has no locus to challenge the same.

Learned counsel appearing for the appellant although made a sincere attempt to persuade this Court to take a different view, however, keeping in view the concurrent findings of facts which are neither shown to be perverse nor result of any substantive mis-reading of the evidence, this Court finds that the judgment passed by the Courts below warrants no interference.

Hence, the present Regular Second Appeal is dismissed.

CM No.11199-C of 2018

This is an application for permission to prefer the appeal as an indigent person.

This application requires no order, once the appeal has been dismissed on merits.

Application is dismissed.

18.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No