

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

**RSA No.5254 of 2017 (O&M)
Date of Decision:17.07.2018**

Bhajan Singh

...Appellant

Versus

Municipal Committee Rania and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (ORAL)

CM-14103-C-2017

Application is allowed. Exemption sought is granted.

CM stands disposed of.

Main case

The plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

The plaintiff claims that he is owner in possession of the land measuring 5 kanal and 10 marla, although previously owned by the Municipal Committee, Rania. He further claims that he was a occupancy tenant and, therefore, becomes owner of the property, in view of provisions of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953.

Both the courts have found that no evidence has been produced by the plaintiff to prove that he was a occupancy tenant.

The plaintiff had also taken an alternative plea of having perfected his title by way of hostile possession, which was withdrawn before the first appellate court. Both the courts have found that the Municipal Committee started proceedings under the Public Premises Act

and the plaintiff-appellant was ordered to be evicted vide order dated 10.11.1994 while imposing a fine of Rs.10,000/- per hectare per year. However, execution of the order of eviction was stayed because a writ petition was filed in this Court. The writ petition has also been dismissed.

In view the above, there is no good ground to interfere in the concurrent findings of fact arrived at by the courts below. Regular Second Appeal is dismissed.

17.07.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No