

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

CR-2388-2019

Date of decision: 20.08.2019

Municipal Council, Rewari

...Petitioner

Versus

Rev. Sushil Kumar Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. M.K. Verma, Advocate for the petitioner.

H.S. MADAAN, J.

Plaintiff/reverent Sushil Kumar Singh had brought a suit for grant of permanent injunction against defendants Municipal Council, Rewari and others, restraining them from encroaching upon any portion of disputed land or dispossessing the plaintiff therefrom and from changing its nature by raising any type of construction, contending that the suit land bearing khewat No. 435, khasra No.1179 (2-8), situated at Adarsh Nagar, Bharawas Road, Rewari was a graveyard used by Christian Community and is reflected as such in the revenue record but the defendants were inclined to change its nature by raising construction. Along with the suit, the plaintiff had moved an application for grant of ad-interim injunction. The defendants appeared and resisted the suit as well as application. However, the trial Court, vide impugned order, accepted the application for ad-interim injunction, restraining the defendants from encroaching upon or taking possession or raising

constructions or changing nature of the suit land, so as to cause interference in possession of the plaintiff by any means till the final decision of the case. This was so done by the trial Court of Civil Judge (Jr. Divn.) Rewari, vide order dated 17.10.2014.

The defendant Municipal Council, Rewari and its Executive Officer as well as Secretary, felt aggrieved by the said order and challenged the same before District Judge, Rewari, by way of filing an appeal, which was assigned to Addl. District Judge, Rewari, who vide order dated 19.07.2018, dismissed the appeal.

Still feeling aggrieved, Municipal Council, Rewari through its Executive Officer has filed the revision petition before this Court.

I have heard learned counsel for the revisionist, besides going through the record and I find that there is absolutely no merit in the revision petition. As per translated copy of jamabandi for the year 2003-2004 placed on file by the revisionist itself Annexure P-2 (colly.), the suit land is reflected to be *gair maurasi kabristan*, in possession of the Christian Community. The defendant-Municipal Council, Rewari, which is revisionist before this Court, wants to raise construction of Community Hall in that piece of land, which can certainly be not allowed, so as to change the nature of the suit land. The Courts below have rightly granted ad-interim injunction to the plaintiff against the defendants. The orders passed are quite detailed and well reasoned, realising that the necessary ingredients for grant of ad-interim injunction were there. The orders do not suffer from any illegality or infirmity, much less apparent on the face

of such orders. The orders are certainly not perverse or passed in violation of settled legal position. There is no reason to upset the orders by exercising revisional jurisdiction, which is limited in nature. Finding no merit in the revision petition, the same stands dismissed.

20.08.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No