

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

201

Date of decision: 27.08.2019
RSA No.4802 of 1999 (O&M)

The Divisional Forest Officer and others ... Appellants

Versus

Gurdial Singh and others ... Respondents

RSA No.764 of 2004 (O&M)

State of Haryana and others ... Appellants

Versus

Maman and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rohit Arya, AAG, Haryana.

Mr. Bhag Singh, Advocate
for the respondents (RSA No.4802 of 1999)

Mr. Gaurav Jaglan, Advocate for
Mr. Vikram Singh Dhakla, Advocate
for the respondents (RSA No.764 of 2004)

REKHA MITTAL, J. (Oral)

This order will dispose of RSA Nos.4802 of 1999 and 764 of 2004 as identical questions of law and fact are involved for adjudication. For facility of reference, facts are taken from RSA No.4802 of 1999.

Counsel for the parties are *ad idem* that the precise dispute that survives for consideration is, whether the appellants can claim any right in respect of the trees standing on the land in question despite the appellants having failed to prove their ownership of the land in question.

Counsel for the appellants would fairly inform that there is no principle in law to support contention of the appellants claiming right in respect of the trees standing on land that does not belong to State of Haryana or a department of the State of Haryana.

Counsel for the respondents, on the contrary, has supported consistent findings recorded by the Courts by referring to judgments of this Court **Ghasi Ram Vs. Arun Kumar, 2006(1) RCR (Civil) 751** and

Bahadur Singh and others Vs. State of Haryana and others, RSA No.5084 of 2010, decided on 18.03.2016 wherein it has been held that trees upon land are part of the land and right to cut down and sell those trees is incidental to the proprietorship of the land. Trees being a fixture with the land remain belonging to the landlord irrespective of the land being on rent or lease. In view of the above, I do not find any reason to interfere in the consistent findings recorded by the Courts.

For the foregoing reasons, finding no merit, the appeals fail and are accordingly dismissed leaving the parties to bear their own costs.

27.08.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No