

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

RSA-1851-2016(O & M)

Date of Decision:13.03.2019

Mahesh

....appellant

Versus

Haryana State and others

.....respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.S.K.Kaushik, Advocate
for the appellant

AMIT RAWAL, J. (ORAL):

Appellant-plaintiff is in the Regular Second Appeal against the concurrent findings of facts whereby suit for claiming mandatory and permanent injunction for issuance of a direction to the respondents-defendants to execute and register the sale deed in favour of the plaintiff as well as for restraining the defendants from dispossessing the plaintiff on the premise that Haryana Government issued a notification dated 16.10.2000 (Ex.P2) to allot the land to the unauthorised occupants who had raised the kasba or any other construction prior to 31.03.2000. The plaintiff submitted an application to the Gram Panchayat for passing resolution acknowledging the possession of the same but the same was refused and in order to establish the possession and ownership placed on record electricity bill and ration card. The suit was filed in 2011 and by that time the land had already been vested in Municipal Corporation, Gurgaon.

Defendants opposed the suit and denied the possession of the plaintiff over the suit land and stated that the suit land situated at Khasra

No. 789 shamlat patti which was not occupied by the plaintiff.

Learned counsel appearing on behalf of the appellant submitted that since the Gram Panchayat did not pass the resolution but electricity bill and ration card was sufficient proof of evidence, learned courts below erroneously declined the relief only on the ground that the aforementioned two documents did not bear any khasra number.

I have heard learned counsel for the appellant and of the view that the aforementioned argument is not sustainable for, it was obligatory for the plaintiff to prove that in view of the notification *ibid*, submitted an application to Gram Panchayat for passing the resolution acknowledging his possession. The electricity bill and ration card obviously would not reflect the khasra number. No other documentary evidence or any application alleged to have been submitted to Gram Panchayat or had seen the light of the day. In my view, the plaintiff miserably failed to discharge the onus as per provisions of Section 101 of Indian Evidence Act. The alleged submission of the defendant for possession in the absence of any cogent and direct evidence would pale into insignificance.

The findings of fact and law, thus, cannot be said to be suffering from illegality or perversity. No ground for interference is made out, much less involvement of any substantial question of law.

Resultantly, the appeal is dismissed.

March 13, 2019

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No