

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

RSA No.2969 of 2016 (O&M)

Date of Decision.27.03.2019

Rishi Pal

...Appellant

Vs

Haryana State and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Suresh Kumar Kaushik, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in both the Courts below for seeking mandatory injunction directing the defendants to execute the registered sale deed in his favour and relief of permanent injunction seeking restraint from dispossession.

It was alleged that he had been owner in possession of residential house measuring 200 sq. yards, which was built much before issuing of notification dated 16.10.2000 pertaining to khasra No.789, which was previously owned and possessed by *shamlat patti* of village Nathupur and the plaintiff being inhabitant constructed the house and after coming into force of the Punjab Village Common Land Act vested in the Gram Panchayat, which was recorded as owner and thereafter, M.C., Gurgaon. As per the notification of 2000 issued by the Financial Commissioner and Secretary Haryana Government and policy, a person who had been in occupation of panchayati land could purchase the same under his possession on the prevailing market price. The plaintiff had given request to the Gram Panchayat but the Gram Panchayat did not recommend his case, and extended threats of dispossession, therefore, cause of action accrued to file

the suit.

Defendant No.4 opposed the suit and stated that no such request was made and therefore, case of the plaintiff did not fall within the parameters of aforementioned notification/policy.

Learned counsel appearing on behalf of the appellant submitted that the Gram Panchayat did not accede to request of appellant-plaintiff, therefore, remedy under section 9 of the Code of Civil Procedure was invoked. Documentary evidence established possession, despite that, Courts below did not bring the case within the provisions of notification/policy.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit, as requirement of policy to be fulfilled was that uncultivable panchayat land was allowed to be sold on which kutchha and pucca houses were in existence before 31.03.2000. Plaintiff failed to bring the case within the ambit of aforementioned parameters. Mere submission of application and own testimony would not prove the case. If at all there was some truth, plaintiff should have summoned witnesses of the Gram Panchayat or the locality, thus, indeed failed to comply with conditions making him eligible to purchase the property.

In view of such circumstances, I do not find any illegality and perversity in the judgments and decrees rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

March 27, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No