

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

RSA No.5259 of 2016 (O&M)
Date of Decision.13.05.2019

The Estate Officer, Punjab Urban Planning & Development Authority
...Appellant

Vs

Sanjeev Kumar and others ..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The short point involved in the present case is whether the person, who according to the appellant-defendant is in unauthorized occupation of the property belonging to GLADA as per demarcation report Ex.D3, can be permitted to protect his possession on the basis of long and settled, much less, sale deed, the answer is 'YES'.

The Hon'ble Supreme Court in **Rame Gowda (D) by LRs Vs. M. Varadappa Naidu (D) by LRs (2004) 1 SCC 769** reiterated in **Poona Ram Vs. Moti Ram (D) through LRs and others** rendered in Civil Appeal No.4527 of 2009 decided on 29.01.2019 held that a person who is not an owner but able to prove long and settled possession, can still protect his possession and liable to be evicted in accordance with law.

Even if argument of the appellant qua ownership is accepted though not admitted in the proceedings, as per Ex.D3 and

D-4, non-disclosure of previous proceedings cannot non-suit the respondent-plaintiff qua threat perception of forcible dispossession. The decree passed by the Courts below in such terms does not prevent the appellant-defendant from taking remedy in accordance with law.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact 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

May 13, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No