

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

**RSA No.4768 of 2015 (O&M)
Date of Order: 28.03.2019**

The Amritsar Improvement Trust, Amritsar and another

..Appellants

Versus

Swarnjit Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karanjit Singh, Advocate,
for the appellants.

Mr. Vineet Sharma, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

The appellants had carved out a planned residential colony known as 340 Acre Area Development Scheme Bhai Guru Das Ji Nagar, Vallah, Amritsar. At the time of planning, certain area was kept as green belt on the northern side of Plot No.B-320. Plaintiffs, who are purchasers of the plot in the colony brought this suit claiming that the action of the appellants is illegal as the aforesaid area which was kept for green belt is now sought to be converted into plots and allotted.

On notice, defendants took a stand that some plots which had been allotted had come under high voltage electricity wire and therefore, only those allottees have been shifted. However, in support of the plea, defendants-appellants did not lead any evidence to prove the plea taken in

the written statement.

This court has heard learned counsels for the parties at length and with their able assistance gone through the judgments passed by the courts below and the record.

Learned counsel appearing for the appellants has reiterated the stand taken in the written statement. Hence, he submitted that the Improvement Trust was justified in exchanging the piece of land. However, on being asked that what is the evidence in support of the plea, he fairly conceded that no evidence in support of the plea has been produced. However, he submitted that the change in the lay out plan was got approved from the Government.

No doubt, the shifting of the plots has been approved by the Government, however, such shifting has to be based upon some cogent reasons. The aforesaid reason as pleaded in the written statement has not been proved. Cities in the countries are already over crowded and green cover is need of the day.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

March 28, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No