

RSA-5411-2017 (O&M)

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

RSA-5411-2017 (O&M)

Date of decision : 07.02.2019

Jagir Singh

... Appellant

Versus

Gram Panchayat and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Sidhu, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

The appellant-plaintiff has not been successful in seeking permanent injunction against the Gram Panchayat qua forcible interference and dispossession, except in due course of law.

Mr. R.S. Sidhu, learned counsel for the appellant-plaintiff submitted that khasra girdawari of the suit land was sanctioned in his favour in the year 1990. Ex.D3 and D4, the documents with regard to the previous round of litigation, could not dispute that the plaintiff was not in possession of the suit land, thus, there is gross illegality and perversity.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, no khasra girdawari has been placed on record by the plaintiff. Ex.D-3 certified copy of the order dated 06.01.2000 in case titled as **“Gram Panchayat V/s Jagir Singh”** was passed in appeal against the order dated 12.08.1997 passed by Tehsildar Mahal-cum-sales, Patti, wherein, the suit land was transferred in the name of the plaintiff. Ex.D3

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was set aside, vide order dated 31.12.2008. All these factors were reflected that the plaintiff was not in possession of the suit land as tenant under the Provincial Government, much less, since when, he had been in possession, though the defendants have brought on Ex.D2, copy of the judgment dated 03.04.1994 passed in Civil Suit No.73/02.03.1996, which established that the suit land was given to the plaintiff in auction in the year 1994-95, for a period of one year.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

07.02.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**