

RSA-5895-2017 (O&M)

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

**RSA-5895-2017 (O&M)
Date of decision : 14.03.2019**

Sohan Singh

... Appellant

Versus

Niranjan Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naveen Batra, Advocate for the appellant.

AMIT RAWAL, J. (ORAL)

The present regular second appeal is directed against the concurrent findings of fact, whereby the appellant-plaintiff has not been successful in claiming the following relief:-

"Suit for issuance of permanent injunction restraining the defendants from interfering and dispossessing the plaintiff illegally and forcibly from the residential house marked with letters ABGHIJA and CDEF and duly shown in red colour in the annexed site plan which is exclusively owned and possessed by the plaintiff and further restraining the defendants from forcibly and illegally demolishing/removing the iron grill over passage which adjoins the roofs of both the residential portions of the plaintiff at point P as shown in annexed site plan situated within the Lal Lakir of Village Mukari, P.S. Nurpur Bedi, Tehsil Anandpur Sahib, Distt. Ropar and in the alternative suit for mandatory injunction directing the defendants to restore the iron grill over passage in its original position, if defendants succeeded in their nefarious designs."

The plaintiff alleged that for the convenience, he installed iron grill by adjoining the roof of two houses belonging to him. The Deputy Commissioner directed BDPO to remove the grill, but instead of the

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Department to implement the order, the defendants wanted to take the law in their hands.

The defendants opposed the suit and stated that the aforementioned grill was unauthorized and not permissible in law.

Mr. Naveen Batra, learned counsel appearing on behalf of the appellant-plaintiff submitted that just for a convenience, the plaintiff installed iron grill at a height about 16 feet from the ground, which was in existence for the last more than one year without any objection.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, it is a public passage, whereas the grill as shown in the photographs shown to this Court, as installed, is a kind of connectivity from two houses, which, in my view, may indulge into any mis-hap. Such person would not know the consequences of such convenience, it may turn out to be very drastic and un-fateful. Dismissal of the suit, in my view, is a correct appreciation of law by the Courts below. No person can be permitted to make his own way of convenience against the prevailing bye-laws.

In view of what has been noticed above, 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 is made out for interference. Accordingly, the present second appeal is dismissed.

14.03.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No