

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 4550 of 2019

Date of decision : 25-08-2020

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Gram Panchayat, Village Tigra,
Tehsil Jagadhri, District Yamuna Nagar

.....Petitioner

Versus

Mahipal Singh

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Krishan Singh, Advocate for the petitioner.

Mr. S.K Nehra, Advocate for the respondent.

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RITU BAHRI, J.

By way of the present revision petition, the petitioner-Gram Panchayat has challenged the impugned order dated 10.7.2019 (Annexure P-6) passed by the Additional District Judge, Yamuna Nagar at Jagadhri, whereby directions have been given to maintain status quo qua the disputed passage till further orders.

Counsel for the petitioner submits that suit for permanent injunction filed by the respondent-plaintiff was dismissed on 24.5.2019 and against that the respondent-plaintiff preferred an appeal which is still pending. During the pendency of appeal, learned Additional District Judge, Yamuna Nagar vide order dated 1.7.2019 appointed Tehsildar, Jagadhari as

Local Commissioner to submit the report about the passage. As per the report dated 9.7.2019 (Ex.P-5), Tehsildar, Jagadhari stated that as per the revenue record, there is no passage at the spot for going in khasra no. 9//7/1 abutting to khasra nos. 9//14, 15 and 10//11/1, where stadium is being constructed. The Gram Panchayat was constructing the stadium and the building material was lying at the spot.

At this stage, counsel for the respondent while referring to the impugned order has argued that since there was no passage at the spot for going in above mentioned khasra no., the impugned order dated 10.7.2019 (Annexure P-6) has been rightly passed while giving directions to maintain status quo qua the disputed passage.

Heard counsel for the parties. Vide the Local Commissioner's report (Annexure P-5), it has been clarified that Khasra No. 9//7/1 is a part of joint khewat and khewat no. 17 and 18 is measuring 176 kanal 11 marla and there is no passage at the spot for going in khasra no.9//7/1 abutting to khasra no.9//14.15 and 10/11/1 in which stadium has been constructed. Moreover, a perusal of the order dated 10.7.2019 passed by the ADJ, Yamuna Nagar at Jagadhari (Annexure P-6) shows that even though the plaintiff is the co-sharer in possession in khasra no. 9//7/1, there is no other passage for entry to the aforesaid khasra nos. except the disputed passage. A direction has further been given to the plaintiff vide the impugned order to get partitioned the joint land in accordance with law for getting his exclusive passage from the joint land and the Gram Panchayat was also directed to take up the matter with the higher authorities qua the resolution Mark C vide which a passage of 11' was left for the ingress and egress to the aforesaid land of the plaintiff. During the pendency of the appeal filed

by the respondent-plaintiff, status quo has been rightly issued to be maintained with respect to the passage.

Hence, in the present case, no ground is made out to interfere in the impugned order. The revision petition is dismissed. However, keeping in view that the construction material of the Gram Panchayat for making the stadium is lying unused, the appellate Court is directed to dispose of the appeal expeditiously.

25-08-2020

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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No