

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

RSA-1676-2018O&M)

Date of decision: 03.03.2020

Phuman Singh

.....Appellant

Versus

Kala Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Kiranjeet Kaur, Advocate for
Mr.H.S.Jakhal, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

Defendant no.2- appellant has filed the present Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below while decreeing the suit for possession filed by the plaintiff, who is undisputed owner of the property. The defendants contested the suit on the ground that they had been inducted into the possession of the land by the Collector under the East Punjab Utilization of the Land Act, 1949.

It was proved on file that defendants were given possession of the property for a period of 20 years. Thus, the Courts held that since the period of 20 years has elapsed, therefore, the defendants have no right, title or interest in the property. It was further held that the Collector had power only to take possession from the owner for the maximum period of 20 years which has already elapsed. Both the Courts relied upon judgment passed by the Hon'ble Supreme Courts in **'Dasaundha Singh Vs State of Haryana 1973 (2) SCR 1006** apart from various other judgments.

Learned counsel for the appellant submitted that the plaintiff has no right to file a suit for possession and can only request the Collector to get the possession delivered. On a pointed Court's question, learned counsel for the appellant failed to draw attention of the Court to such procedure laid down in the East Punjab Utilization of the Land Act, 1949.

In view of the above facts, there is no ground to interfere.

Hence, dismissed.

03.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No