

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No.555 of 2021
Date of Decision: 15.09.2021

Salim & others

...Appellant (s)

Versus

Tejbir @ Teja Khan & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Deepak Sharma, Advocate for
Mr. Pankaj Bali, Advocate
for the appellants.

SUDHIR MITTAL, J. (Oral)

A suit was filed by respondent no.1 for declaration that possession of defendants no.3 to 8 over the land of the graveyard was illegal. The houses constructed by said defendants were sought to be demolished by issuance of a mandatory injunction with consequential relief of permanent injunction restraining the defendants from changing the nature of suit land in any manner and for raising construction thereon. The suit was partly decreed. The trial Court granted permanent injunction and thereby, restrained defendants no.3 to 8 from changing the nature of suit property and creating any hindrance in performance of activities of burial, the property being graveyard.

Aggrieved, plaintiff-respondent no.1 filed an appeal, which has been allowed and the suit has been decreed in toto.

Learned counsel for the appellants submits that during the pendency of the appeal, the lease in favour of defendants no.3 to 8 was renewed

by the Wakf Board and thus, the appellate Court was in error in ordering eviction.

A perusal of judgment of learned lower Appellate Court shows that it has returned a finding that the land being a graveyard, the Wakf Board had no authority to lease it out for residential purposes. Accordingly, the lease has been held to be invalid.

Learned counsel for the appellants has not been able to show that the aforementioned findings are erroneous or contrary to any statute/rules.

There is no merit in the appeal and the same is dismissed.

September 15, 2021
AK

(SUDHIR MITTAL)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No