

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

CR-1298-2021(O&M)

Date of decision: 20.07.2021

Balbir Singh

.....Petitioner

Versus

Gram Panchayat Village Bharaj and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jaiswal, Advocate for
Mr.S.S.Siao, Advocate, for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The plaintiff-petitioner assails the correctness of the orders passed by the learned trial court as well as the First Appellate Court while dismissing the application under Order 39 Rule 1 and 2 CPC for grant of temporary injunction. Both the courts below have found that in order to allot 5 marlas of plot each to persons belonging to scheduled caste community, who are roofless, the Gram Panchayat in accordance with the instructions of the Government, has carved out certain plots.

The learned counsel representing the petitioner contends that the aforesaid land was earlier given at lease by the Gram Panchayat to the persons belonging to the scheduled caste. He submits that the persons to whom plots have been allotted are not roofless.

Be that as it may. The Gram Panchayat in order to fulfill its social responsibility has decided to utilize a small piece of land so as to

enable the poor residents to have roof over their heads. The suit filed by the plaintiff is still pending. In these circumstances, no ground to interfere with the order passed by the courts below is made out. Hence, dismissed. However, the learned trial court is requested to expedite the disposal of the suit. Needless to observe that learned trial court will decide the suit without being influenced by the observations made while deciding the application under Order 39 Rule 1 and 2 CPC.

All the pending miscellaneous applications, if any, also stand disposed of.

20.07.2021
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(ANIL KSHETARPAL)
JUDGE

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