

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

Civil Revision No.1297 of 2021

Decided on : 13.07.2021

Jitender Aggarwal

... Petitioner

Versus

Municipal Corporation, Gurugram and another

... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sachin Mittal, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

The plaintiff-petitioner has filed the present civil revision petition under Article 227 of the Constitution of India, assailing the correctness of the order dated 11.05.2021, passed by the learned Civil Judge (Jr. Division), Gurugram as well as the order dated 24.05.2021, passed by the learned Additional District Judge, Gurugram, while dismissing an application under Order 39 Rule 1 and 2 of CPC for grant of temporary injunction.

The petitioner claims to be the landlord and owner of the property comprised in Khewat No.617/1 situated in revenue estate Hidayatpur Chawni known as Gurgaon City. He in support of his claim relies upon the jamabandi for the year 1962-63.

Both the Courts on appreciation of the record, have found that the Municipal Corporation, Gurugram, is constructing multi-level parking in Sadar Bazar, Gurugram, on the land comprised in Khasra No.469/3. As per the recent revenue record, the property is owned by the Municipal

Corporation. This piece of land was owned by the Provincial Government and was transferred to the Municipal Corporation, Gurugram, vide mutation No.6404. The total area of the land under project is 117 bighas 1 biswa.

Learned counsel representing the petitioner contends that since the petitioner has himself drafted the claim, therefore, he failed to specify the relevant khasra numbers of the land. He further contends that the petitioner's great grandfather was recorded as the owner of the land in the year 1962-63.

It is not in dispute that in public interest, a multi-level parking in Sadar Bazar, Gurugram, is being constructed. In such a situation, both the Courts below have correctly held that construction of such project cannot be stopped by issuing an injunction. Whatever may be the claim of the petitioner, the same can be adjudicated upon and if the petitioner is found entitled to some relief, the Court shall be entitled to mould the same in accordance with the prevailing situation.

Hence, no ground to interference with the impugned orders is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

13.07.2021
nt

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No