

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 1530 of 2021

Date of Decision:17.08.2021

Gurnam Singh and others

....Petitioners

VS

Gram Panchayat, village Lakhanpal, Tehsil and District Gurdaspur

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioners

Mr. Anantdeep Singh Sandhu, Advocate
for the caveator-respondent

SUDHIR MITTAL, J. (Oral)

The petitioners are the defendants. Respondent-Gram Panchayat has filed an injunction suit restraining the defendants from encroaching upon the suit land and from raising any kind of construction. Alongwith the suit, an application under Order 39 Rules 1 and 2 CPC was also filed for grant of temporary injunction. The trial Court dismissed the said application but appeal of the respondent – Gram Panchayat has been allowed by the appellate Court. The petitioners–defendants have been restrained from encroaching upon the suit land during the pendency of the suit.

Learned counsel for the petitioners submits that in an earlier suit between the same parties compromise dated 10.03.2020 had been reached, according to which the residents of the village were entitled to use the suit land for cremating the dead bodies. Now, the Gram Panchayat – respondent has gone back on its words and is not permitting the villagers to use the suit property for cremating the dead bodies. The suit is malicious in nature as the residents of the

village are not intending to encroach upon the cremation ground. Taking aid of the pendency of the suit and an order of injunction in their favour, the residents are not being permitted to use the suit property for the said purpose.

The learned appellate Court has found that the suit land has been reserved for cremating the dead since the time of consolidation and, thus, the same vests in the Gram Panchayat. Thus, being the holder of title, it has the right to restrain the residents of the village from encroaching thereupon. The compromise dated 10.03.2020 has not been relied upon as the same has been denied by the plaintiff-respondent. The aforementioned findings are neither perverse nor illegal and, thus, no inference is called for.

The revision petition is, accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

17.08.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No