

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1394 of 2021 (O&M)

Date of Decision: 25.11.2021

Ram Chander and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Shaveta Sanghi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The plaintiffs (appellants herein) are the residents of Narnaul. They filed a suit in a representative capacity for grant of decree of declaration with a consequential relief of permanent injunction. The provincial government had sold the suit land, in favour of the defendant No.2, vide a conveyance deed dated 04.03.1987. The sale was made as per the provisions of the Nazool Land (Transfer) Rules, 1956. In the year 2010, the plaintiffs filed the suit claiming that the property which has been sold, was in fact dedicated to the public, as it was used for a pond (water body). Both the Courts below, on appreciation of the evidence, found out that before the sale of the property, the suit property was being given on lease since 1974-75 and there was no water in the pond for a reasonably long time.
2. The learned counsel representing the appellants contends that the original conveyance deed has not been produced and therefore, the

findings of both the Courts below, are erroneous. It is evident that the State

of Haryana is defendant No.1 before the trial Court. The State of Haryana has taken a stand that the property in question has been sold to the defendant No.2-Jai Parkash vide a sale certificate dated 04.03.1987. In these circumstances, as there is no dispute between the vendor and the vendee, the plaintiffs cannot take the benefit of the non-production of the original conveyance deed. Furthermore, the defendants have produced a copy of mutation as well as jamabandi, which *prima facie*, are evidence of title. No doubt, these entries are not the document of title. However, the entries in the revenue record carry the presumption of truth. Coupled with that, once the State of Haryana itself had taken a stand that the property in question had been sold to the defendant No.2, the argument of the learned counsel representing the appellants loses its sheen. Hence, no ground is made out to interfere and the present appeal is dismissed.

3. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 25, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No