

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.116

CR-660-2022 (O&M)

Date of decision : 25.02.2022

Nirmal Singh and others

..... Petitioners

VERSUS

Gram Panchayat of village Gopalpur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjay Gupta, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are the plaintiffs. They have filed a suit for injunction restraining the defendants from interfering in their possession of *gair mumkin bara* marked as ABCDEFGH in the site plan and comprised in khasra No.89/1. Alongwith the plaint, an application under Order 39 Rules 1 and 2 CPC was also filed which has been dismissed. The order of the trial Court has been challenged by way of a miscellaneous appeal. The appellate Court has issued notice of the appeal, but has not granted any *ad interim* injunction. Thus, the present revision petition has been filed.

Learned counsel for the petitioners has submitted that the District Magistrate, Rupnagar has issued a memo dated 11.01.2022 directing grant of police help to the Gram Panchayat, Gopalpur for constructing a pakka path in khasra No.88. The defendants are wanting to encroach upon the land of the petitioners comprised in khasra No.89 under the garb of creating a path in khasra No.88 and thus, the learned appellate Court was in error in not granting any *ad interim* injunction.

The argument cannot be accepted. The order dated 11.01.2022 is clear. It provides for police help for construction of a rasta in khasra No.88. Obviously, the rasta can be constructed only after proper demarcation of the land. Thus, apprehension of the petitioners is misconceived.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

25.02.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No