

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

114

CR-1785-2020

Date of decision: 01.08.2022

Shri Bhagwan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek Goyal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside order dated 20.01.2020 (Annexure P-1) and order dated 19.02.2020 (Annexure P-2).

Learned counsel for the petitioner *inter alia* contends that the impugned orders (Annexures P-1 and P-2) have been passed without considering the relevant material on record and are in fact contrary to the factual position. He submits that both the Courts below erred in granting temporary injunction only to the extent of 100 sq. yds. whereas the petitioner was owner in possession of 140.43 sq. yds. of land. While drawing the attention of this Court to Annexure P-7, he further submits that the District Town Planner had regularized the construction of the petitioner on 40.43 sq. yds. of land, therefore, the ownership and possession of the petitioner stood duly established. He still further submits that this Court, while deciding CWP No.3759 of 1994 filed by the petitioner, had dealt with only 100 sq. yds. of land and

not the other 40.43 sq. yds. hence, the impugned order deserved to be set aside.

I have heard learned counsel and perused the relevant material on record.

The petitioner is claiming himself to be owner in possession of two plots of land measuring 100 sq. yds. and 40.43 sq. yds. respectively comprised in khasra No.171/14 situated at village Chiri, Tehsil and District Rohtak.

The trial Court while partly allowing the application under Order 39 Rules 1 and 2 of and Code of Civil Procedure, 1908 restrained the respondents from demolishing the construction of the petitioner on plot measuring 100 sq.yds., however, it declined the prayer of the petitioner qua the other plot measuring 40.43 sq. yds. qua which he was claiming to be owner in possession on the basis of Annexure P-7 which was a regularization order issued by the District Town Planner, Rohtak.

It would be relevant to point out here that the petitioner has failed to produce any document to prima facie substantiate his submissions qua his ownership over plot measuring 40.43 sq. yds. Furthermore, it is clear from order dated 05.12.2013 passed in CWP No.3759 of 1994 (Annexure P-8) that the petitioner was allotted only plot measuring 100 sq. yds. by the Gram Panchayat and the counsel who was representing the petitioner had given his acceptance to this Court that the petitioner would vacate the possession of land beyond 100 sq. yds.

In the aforementioned circumstances, this Court does not find any merit in the instant revision petition and no ground is thus

made out to interfere in the impugned orders dated 20.01.2020 and 19.02.2020. Consequently, the instant revision petition being devoid of merit is dismissed.

01.08.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No