

**135 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-2131-2022 (O&M)

Date of decision: 26.05.2022

Sewa Singh and another

....Petitioners

Versus

Gram Panchayat of Village Tanel

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Jaswal, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The petitioners after taking the land (Shamlat Deh) from the Gram Panchayat on lease for the year 2017-18 and 2018-19 prays for grant of injunction in their favour. As per Rule 20(a)(i) of the Punjab Village Common Land Regulation Act, 1961, any person who continues to occupy the land after the tenure of the lease is over, is liable to pay 20 times of the lease money. The First Appellate Court, after observing that the plaintiff no.1 was granted lease of the land in dispute, in a public auction held on 5th July, 2017, for the agricultural year 2017-18 and in favour of plaintiff no.2, in the public auction held on 10th July, 2018 for the agricultural year 2018-19, reversed the order passed by the trial court granting injunction from the forcible dispossession. The petitioners have no right, title or interest in the property. Before an injunction is granted, the court is required to apply the following three well known tests laid down by the Supreme Court:-

- 1) prima facie good case
- 2) balance of convenience;

3) irreparable loss and injury to the plaintiff.

If all these three tests are applied, the petitioners fail. Hence,
no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also
disposed of.

26.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE