

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

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**CR-3444-2021 (O&M)
Date of decision: 17.03.2022**

Chander Bhan

...Petitioner

Versus

**Gram Panchayat, Jeetpura Istmurar and Rojhka
and another**

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Arvind Kumar Yadav, Advocate
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the order passed by the First Appellate Court, the plaintiff has filed this revision petition.

Admittedly, the land in dispute vests in the Gram Panchayat of village Jeetpura Istmurar and Rajhoka, District Rewari. The plaintiff filed a suit along with an application for the grant of temporary injunction. He claims that he is in actual cultivating possession of the land measuring 47 kanals and 14 marlas under the Gram Panchayat on an yearly lease money of Rs.900/-. He prays for grant of injunction against the forcible dispossession.

The trial Court allowed the application under Order 39 Rule 1 & 2 CPC without examining the matter in depth. In an appeal filed by the Gram Panchayat, the First Appellate Court has found that the plaintiff's son Ashok Kumar has been taking the land on lease in a public auction. It has been found that Ashok Kumar himself as well as Special Power of Attorney of the plaintiff had taken the land on lease in 2010, 2011, 2012, 2013, 2014 and 2015. It is also evident that thereafter, in the year 2016, the property was leased in favour of Mahavir, who was also the highest bidder in the

year 2017. From 2019, the land has been taken on lease by Vinod Kumar son of Kanwar Lal.

The petitioner has failed to show any *prima-facie* material to prove his lawful possession of the property. The property vests in the Gram Panchayat, which is akin to a public property.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

March 17, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No