

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

RSA-3419-2015 (O&M)

Date of decision: 24.03.2022

Des Raj

....Appellant

Versus

Gram Panchayat of Village Sekhupura, Tehsil and District Fatehgarh
Sahib and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rakesh Verma and
Mr. Manish Verma, Advocate for the appellant

Mr. Gitish Bhardwaj, Advocate for Gram Panchayat

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

While assailing the correctness of the findings of fact arrived at by the First Appellate Court, the plaintiff has filed the present appeal. He alongwith two other persons filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in their possession. During the pendency of the suit, Gram Panchayat was also added as a party. The Gram Panchayat filed a written statement while asserting that the suit filed by the plaintiffs under Section 11 of the Punjab Village Common Land (Regulation) Act, 1961, has already been dismissed by the Court of Collector, Patiala. Thereafter, the Gram Panchayat has leased out the property to various persons including Sh.Balbir Singh.

Learned trial court decreed the suit whereas learned First

Appellate Court, after noticing that there is sufficient evidence to prove that the property is in possession of Balbir Singh, reversed the aforesaid judgment and decree. It has been noticed that Sant Singh appeared in evidence as DW1 and produced a copy of the resolution (Ex.D1) dated 08.05.2014 and copies of lease deed as Ex.D2 and Ex.D3. The receipt of payment of deposit of lease money was also proved.

Learned counsel representing the appellant contends that their predecessor was recorded to be in possession of the property prior to 1931. He further contends that the First Appellate Court has erred in reversing the judgment and decree passed by the trial court.

Per contra, learned counsel representing the Gram Panchayat submits that since the suit filed by the plaintiffs under Section 11 of the Punjab Village Common Land (Regulation) Act, 1961, was dismissed, therefore, the Panchayat took over the possession and started leasing out the property regularly and therefore, the plaintiffs are not in possession of the property.

After having heard, the learned counsel representing the parties at length, this Court is the considered view that there is no substance in the present appeal. Learned counsel representing the appellant has failed to controvert the factual position. He has also failed to controvert that the previous suit instituted by the plaintiff under Section 11 of the Punjab Village Common Land Regulation Act, 1961, was dismissed. There is evidence available on the file to prove that he is in possession of the property. Sh. Balbir Singh, had taken the land in

dispute on lease in the year 2009-10. Thereafter, the property is being leased out on year to year basis. Hence, no ground to interfere with the findings of fact is made out.

Dismissed.

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

24.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE