

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

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**RSA-3763-2014(O&M)
Date of Order: 19.05.2022**

Balkar Singh

..Appellant

Versus

Buta Masih and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Khaira, Advocate
for the appellant.

Mr. Ritesh Pandey, Advocate
for respondent no.1 to 6.

ANIL KSHETARPAL, J(Oral)

The plaintiff (appellant) assails the correctness of the judgment and decree passed by the learned First Appellate Court. The plaintiff does not claim any right, title or interest in the property except his possession. The land as per the revenue record, is a 'Gair Mumkin Kabristan' (graveyard). In the ownership column, it is recorded as 'Shamlat Deh'

There is already an order passed by the Sub Divisional Officer (Civil) dated 29.01.2008, directing the plaintiff to handover the possession to the concerned. On his failure to do so, a FIR was also registered. In this suit, the Gram Panchayat has already not been impleaded as a party.

Keeping in view the aforesaid facts, no ground is made out to protect the illegal possession of the appellant. His possession is an encroachment and therefore, it is not required to be protected by the Court.

Dismissed.

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

May 19, 2022
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(ANIL KSHETARPAL)
JUDGE

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