

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

109

2023:PHHC:123374
RSA-1485-1992(O&M)
Date of decision: 20.09.2023

LASHKAR SINGH AND OTHERS

..Appellants

Versus

GRAM PANCHYAT KALEWAL AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashutosh Hoshiarpuri, Advocate
for the appellants.

Mr. K.S. Dadwal, Advocate
and Ms. Neha Jain, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of the fact arrived at by the Courts below while dismissing the appellants suit for grant of decree of permanent injunction has been assailed in this second appeal. The entire controversy involved in the present case is with regard to the apprehension of the plaintiff to change the flow of water and also from increasing the level of the floor of street in dispute. Both the Courts have dismissed the plaintiffs suit. During the pendency of the appeal, Gram Panchayat, Kalewal, passed a resolution on 15.09.2001, which reads as under:-

“Today on 15.9.2001 a special meeting of a Gram Sabha Kalewal Fattu was convened under the President ship of Sh. Satbir Singh, Pradhan. This general meeting took place in Ad-dharmi Dharamsala at 2-00 PM. Quorum was complete.

1. That Pradhan Sh. Satbir Singh told the Sabha that a grant of Rs. 50.000/-has been by received by the Gram Panchayat for the discharge of dirty water and opinion of members of the Sabha was sought for spending the grant.

The Ad-dharmi Members raised demand that there is no discharge of the water of their streets nor the drains are constructed, which may be constructed and water be discharged to pond.

It was also explained in the Sabha that Sh. Lashkar Singh, Panch have filed an appeal in High Court in which stay order is granted. Sh. Lashkar Singh was

also asked on which Sh. Lashkar Singh, Panch he admitted the same and gave his consent that the grant be utilized for the streets and drains of Ad-dharmis and after constructing the drains the water be discharged in the Pond. Sh. Lashkar Singh, Panch, Kalewal Fattu also state before the Sabha that he will withdraw the case pending before the Punjab & Haryana High Court.

Unanimously approved

<i>Sd/- English Satvir Singh, Sarpanch</i>	<i>Sd/- Urdu Lashkar Singh, Panch.</i>	<i>Sd/- English Purshottam Lal, Panch.</i>
<i>Sd/- Punjabi Smt. Surjit Kaur Panch.</i>	<i>Sd/- Punjabi Smt. Joginder Kaur Panch.</i>	<i>Sd/- English Gurmit Singh.</i>
<i>Sd/- English Balbir Singh. Sd/-Paramjit Singh.</i>	<i>Sd/- English --</i>	<i>Sd/- Punjabi</i>
<i>Sd/- Baljit Singh Sd/- Pardeep Ram.”</i>		

2. The learned counsel representing the appellants submits that he has no knowledge of the aforesaid development.
3. On the other hand, the learned counsel representing the respondents submit that in view of the aforesaid resolution, the dispute with regard to the apprehension of the plaintiffs stands redressed.
4. Keeping in view the aforesaid facts, the appeal, which is pending for the last 31 years is disposed of accordingly.
5. However, the appellants shall have liberty to file an application for revival, if they still have any grievance.
6. All the pending miscellaneous applications, if any, are also disposed of.

September 20th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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