

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(258)

CR No. 957 of 2021

Date of Decision : 11.04.2023

Suraj Bhan

...Petitioner

Versus

M/s Chatru Marketing Private Limited and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. B.S. Rana, Senior Advocate with  
Mr. Navdeep Doon, Advocate and  
Mr. R.S. Malik, Advocate for the petitioner.

Mr. S.P. Khat, Advocate and  
Mr. Anil Dua, Advocate for the respondents.

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**Harsimran Singh Sethi J. (Oral)**

The present civil revision petition has been filed challenging the order passed by the courts below by which the interim relief as sought in application filed under Order 39 Rule 1 and 2 CPC has been declined in favour of the petitioner-plaintiff.

Learned senior counsel for the petitioner-plaintiff submits that certain portion of the land, which was in possession of the petitioner-plaintiff, has been taken away on the basis of the demarcation report of the Government by which, the land belonging to the respondents-defendants was demarcated and the same has been fenced now by the respondents-defendants. Learned senior counsel appearing on behalf of the petitioner-

plaintiff further submits that the only remedy, which the respondents-defendants could have availed on the basis of the demarcation report is to file appropriate suit claiming the possession of the land, which was in possession of the petitioner-plaintiff, whereas straightaway on the basis of the demarcation report, the possession was taken by demolishing the construction.

Learned counsel for the respondents submits that the demarcation has been done by the Government agencies and in those demarcation reports, the land, which has been fenced, is in the ownership of the respondents-defendants only and not of the petitioner-plaintiff.

The question as to who is the actual owner of the land in question will be decided by the trial court on the basis of the evidence, which will come on record. The question, which needs to be decided by way of interim relief is that during the pendency of the suit, no party should put in disadvantageous position. On being asked, learned counsel for the respondents-defendants submits that at present, there is no construction, which is being undertaken on the disputed area of the land as the same is being used as an agricultural land but it could be probability at a later stage that keeping in view the permission granted by the competent authority for the change of land user, the construction might be undertaken.

Keeping in view the fact that as of now, there is no construction being undertaken by the respondents-defendants, no order is required to be passed in the present revision petition. It is made clear that in case, the respondents-defendants are to undertake construction upon the disputed area of the property, the same will be done after taking due approval from

the competent court of law by filing appropriate application to the said effect.

Present civil revision petition is disposed of in above terms.

**April 11, 2023**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*