

**RSA-5071-2019 (O&M)**

**- 1 -**

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

**117**

**RSA-5071-2019 (O&M)  
Decided on : 09.08.2023**

Satnam Singh

... Appellant(s)

Versus

Estate Officer, Sector 17, Chandigarh

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. G.S. Gurna, Advocate  
for the appellant(s).

\*\*\*\*

**SANJAY VASHISTH, J. (Oral)**

1. Appellant – Satnam Singh, being plaintiff filed a Civil Suit No.936/2005, for seeking decree of permanent injunction restraining the defendant (Estate Officer, Sector 17, Chandigarh) himself and his agents, servants or assigns from interference in the peaceful possession of plaintiff, which is resided by him as a tenant.

2. To prove his possession, plaintiff produced a copy of Driving Licence (Ex.P1), Voter Card (Ex.P2), Life Insurance (Ex.P3), Aadhar Card (Ex.P4), Income Tax Return (Ex.P5), Pass Book of Gas Agency (Ex.P6). Basic relief claimed by the plaintiff is that being the tenant, he cannot be dispossessed from the property forcibly.

3. During trial proceedings, as per stand taken by the sole defendant (Estate Officer), the property in dispute was already acquired by the Chandigarh Administration by way of award No.558, dated 21.03.2013, for developing 3<sup>rd</sup> Phase of Sector 52, Chandigarh. Certified copy of the award along with site plan, were placed on record by the defendant.

RSA-5071-2019 (O&amp;M)

- 2 -

4. The trial Court reached to the conclusion that as per the award dated 21.03.2013, it is clear that property in dispute along with other land situated in village Kajheri, has already been acquired.

By holding that the status of the plaintiff (appellant herein) is of trespasser/encroacher on the Government land, plea of granting injunction could not be accepted. Finding given by trial Court in Para No.12, is as under:-

*“12. Perusal of the file shows that the present suit has been filed by the plaintiff seeking relief of permanent injunction against the defendant on the ground that he is in possession of the property in dispute i.e., one room in House No. 172 Kuldeep Colony, Kajehri, Sector 52, Chandigarh since a very long time being a tenant and the defendant is trying to dispossess the plaintiff forcibly through his agents. To prove his possession, the plaintiff has produced his driving license Ex. P/1, voter card Ex. P/2, Life Insurance Ex. P/3, Aadhar Card Ex. P/4, Income Tax Return Ex. P/5, Pass Book of Gas Agency Ex. P/6. It has been argued on behalf of the plaintiff that the plaintiff being in possession of the property in dispute cannot be dispossessed from the suit property forcibly. The counsel for the defendant has stated that the property in dispute has already been acquired by the Chandigarh Administration by way of award no. 558 dated 21.03.2003 for development of 3rd Phase of Sector 52, Chandigarh. Therefore, the plaintiff cannot seek any injunction against the defendant now. The defendant has not placed on record the original documents qua acquisition proceeding but a certified copy of the award dated 21.03.2013 has been placed on the file alongwith the site plan. As the said copy is certified copy, therefore, judicial notice of the same is taken as the same has been passed by the court of Land Acquisition Collector, U.T. Chandigarh. As per the said*

RSA-5071-2019 (O&amp;M)

- 3 -

*award, it is clear that the property in dispute alongwith the other land situated in Village Kajheri has already been acquired. It was the duty of the plaintiff to prove that the land on which the said suit property is built has not been acquired till day but no evidence in this regard has been led by the plaintiff. Moreover, the plaintiff has to prove his case on his own and cannot rely on the weaknesses of the defendant. The fact that the plaintiff has failed to prove as to where the property in dispute is located is enough to consider that the property of the plaintiff is already acquired by the defendant. The plaintiff has to be considered to be a trespasser on Government land and he cannot take the benefit of being an encroacher and cannot be considered for any injunction against the government because the suit property is to be used for public welfare by the Government. Moreover, the plaintiff could not produce any document to show that he is a tenant in the suit property. Even if he is a tenant then also he had to prove that the said property has not been acquired from the real owner by the government but no such evidence has been led.”*

5. Even the First Appellate Court has examined much more deeply, and reached to the conclusion that the appellant (plaintiff), rather failed to produce any rent note or rent deed on the case file. Even no details of the landlord, by whom, the appellant (plaintiff) was inducted as tenant, as per pleadings in the plaint, has been produced.

6. In the aforementioned backdrop of circumstances, this Court does not find any illegality, irregularity or perversity in the well reasoned judgments & decrees passed by the Courts below, and the suit filed by the appellant (plaintiff) has been rightly dismissed. Even no question of law, much less, any substantial question of law arises for consideration in the present appeal for interference in the impugned judgments & decrees passed

**RSA-5071-2019 (O&M)**

**- 4 -**

by the Courts below.

Thus, for the reasons recorded herein-above, the instant appeal being devoid of merits, stands dismissed. The judgments & decrees passed by both the Courts below are affirmed.

Civil Miscellaneous application(s), if any, also stands disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**August 09, 2023**

*J.Ram*

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