

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**103****RSA No.4348 of 2019 (O&M)****Reserved on : 17.04.2023****Date of Decision : 29.04.2023**

Jasvir Singh @ Jaibir Singh and Another

....Appellants

VERSUS

District Town Planner (Planning), Faridabad and AnotherRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mitul Singh Rana, Advocate for the appellants.

ALKA SARIN, J.

1. The present appeal has been preferred against the judgments and decrees dated 21.04.2017 and 05.08.2019 passed by both the Courts below dismissing the suit filed by the plaintiff-appellants.

2. The brief facts relevant to the present *lis* are that the plaintiff-appellants filed a suit for declaration and permanent injunction on the basis of being co-owners and co-sharers in possession to the extent of land measuring 05 kanals and 08 marlas out of a total land measuring 35 kanals 17 marlas as described in the plaint. The plaintiff-appellants claimed that they placed 25 containers bodies with tin/cement roofs and glass doors on the said land and defendant No.1 i.e. District Town Planner (Planning) Faridabad, exercising the powers of Director General, Town and Country Planning, Haryana, had issued notices under Section 10 of the Haryana Development & Regulation of Urban Areas Act, 1975 (hereinafter referred to as the 'Urban Areas Act 1975'). The said show cause notices were issued to 12 companies, however, the plaintiff-appellants were not issued any notice. In the written statement the issue of maintainability was raised as the jurisdiction of the civil court was stated to be specifically barred under the

‘Urban Areas Act 1975’. On merits, it was submitted that there was no cause of action in favour of the plaintiff-appellants as the notices had been issued to 12 companies which had no concern with the plaintiff-appellants. The Trial Court dismissed the suit vide judgment and decree dated 21.04.2017. Aggrieved by the same, an appeal was preferred which appeal was also dismissed vide judgment and decree dated 05.08.2019. Hence, the present regular second appeal.

3. Learned counsel for the plaintiff-appellants would contend that since the defendant-respondents were threatening to remove the containers and there was also violation of the principles of natural justice, hence the jurisdiction of the civil court would not be barred and the suit of the plaintiff-appellants ought to have been decreed.

4. I have heard learned counsel for the plaintiff-appellants.

5. In the present case admittedly the notices issued by the defendant-respondents were not to the plaintiff-appellants. In fact none of the companies to whom the notices were issued had any connection with the suit property in which the plaintiff-appellants claim to be the co-sharers. Even otherwise, Section 15 of the ‘Urban Areas Act 1975’ clearly bars the jurisdiction of the civil court. Learned counsel for the plaintiff-appellants has not been able to convince this Court that there has been any violation of principles of natural justice especially in view of the fact that none of the notices were addressed to the plaintiff-appellants. Further, none of the 12 companies to whom the notices were stated to have been sent have any connection with the suit land.

6. In view of the above, I do not find any illegality or infirmity in the judgments and decrees passed by both the Courts below. The concurrent findings of fact recorded by both the Courts below do not call for any

interference by this Court. No question of law, much less any substantial question of law, arises in the present case. The appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

29.04.2023

jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO