

2023:PHHC:100346

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

RSA-5457-2018 (O&M)
Date of decision: 03.08.2023

Baljinder Singh

..Appellant

Versus

Iqbal Singh and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Malkeet Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The plaintiff no.1 has filed this Regular Second Appeal against the concurrent findings of fact arrived at by the courts below, while dismissing his suit for grant of the decree of permanent injunction and restraining the defendants from taking possession or changing the nature of the land. It is the case of the plaintiff that there is a pond located in the suit land and the Gram Panchayat alongwith certain other persons are making efforts to take over the property.

2. On the other hand, the defendant-Gram Panchayat contested the suit while claiming that a sports complex having hockey and football ground has been constructed, apart from that some land has been utilized for pond. Both the courts, on the appreciation of evidence, have found that the aforesaid development is in the interest of the villagers.

3. Learned counsel representing the appellant contends that the pond could not be permitted to be used for constructing hockey and football ground.

4. This Court has considered the submissions made by the learned counsel representing the appellant. It appears that the appellant is resisting the development, which is taking place in the village. It is not in dispute that in some area the pond has also been developed. In these circumstances, no ground to interfere is made out.

7. Hence, dismissed.

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

03.08.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE