

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.118

Case No. : C. R. No. 6455 of 2023

Date of Decision : November 06, 2023

Ramanpreet Singh Guron		Petitioner
vs.		
Gram Panchayat		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Kulwinder Singh, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. Challenge in this revision petition is to the order dated 06.10.2023 (Annexure P-5), passed by learned Additional District Judge, Ludhiana, whereby appeal filed by the petitioner has been dismissed against the order dated 29.09.2023 (Annexure P-2), passed by learned Civil Judge (Junior Division), Samrala (for brevity – Trial Court), whereby learned Trial Court did not give interim injunction to the plaintiff/petitioner.

2. The brief facts, as culled out from the petition, are that the petitioner filed suit (Annexure P-1) for grant of permanent injunction restraining the defendant-Gram Panchayat of Village Bharthala, its agents, servants, attorneys etc. from installing the sewerage pipes forcibly or illegally into some particular numbers killa numbers, as mentioned in the *jamabandi* for the year 2018-19, shown in red colour in the sketch plan attached with the plaint. Along with the suit, an application for temporary

injunction was also moved.

3. Learned Trial Court, vide order dated 29.09.2023, passed the order that no ground was made out to grant ex-parte stay as the Court deemed it appropriate to hear the other side i.e. Gram Panchayat. So, notice of the suit and stay application was issued to the defendant-Gram Panchayat. The petitioner filed appeal against the said order, which was dismissed by learned Additional District Judge, Ludhiana, vide impugned order dated 06.10.2023.

4. Learned counsel for the petitioner has argued that the respondent-Gram Panchayat is adamant to install the sewerage pipes adjoining the land of the petitioner and if temporary injunction is not issued and the proceedings initiated by the respondent are not stayed, it will cause loss to the petitioner. It is further submitted that the sullage water of the village is already discharging out of the village through Khal which is present on the spot for the last so many years. So, there is no need for installation of pipes and the same will amount to misuse of the funds of General Public. Such installation may also make overflow of sullage water which would destroy the crop of the petitioner in the adjoining fields and will spread out foul smell and there would be chances of spread of disease.

5. I have heard learned counsel for the petitioner and have gone through the record.

6. Learned Appellate Court dismissed the appeal on the ground that the suit has been filed to stall the public work initiated by Gram Panchayat and it would not be in the interest of justice to grant stay without hearing the Gram Panchayat. So, no ground was found to interfere in the

order passed by learned Trial Court.

7. On asking, learned counsel for the petitioner has submitted that sewerage pipes are not being installed in the land of the petitioner. Rather, same are being installed in the common land of the village. Although no copy of *jamabandi* is placed on the file, but keeping in view that Gram Panchayat is doing development work in the common land left, although may be belonging to the properties of the village, so the Courts below have rightly held that without hearing the Gram Panchayat, interim injunction cannot be granted.

8. In view of the above discussion, I find no merit in the instant revision petition. The same is accordingly dismissed in limine. It is made clear that merits of the case are not being discussed, at this stage, since it may cause prejudice to any of the parties including the petitioner.

9. However, anything stated above shall have no effect on the merits of the case. Any observation made herein above is only for the disposal of this petition.

10. Pending applications, if any, shall stand disposed of along with this judgment.

November 06, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.