

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5171 of 2016 (O&M)
Date of Order:15.03.2024

Bagu Khan

.Petitioner

Versus

The Chairman Committee Golden Forest India Ltd.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Manrai, Sr. Advocate, with
Ms. Neha, Advocate, for the appellant.

Mr. Pardeep Solath, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. The plaintiff has filed this revision petition to challenge the correctness of the order passed by the trial court on 23.01.2015, while rejecting the plaint in exercise of powers under Order VII Rule 11 CPC, and the order in appeal has been upheld by the First Appellate Court.
2. The learned senior counsel representing the petitioner submits that there has been no law laid down by the Supreme Court that prohibits the civil courts to entertain civil suits for grant of decree of permanent injunction. He further submits that the petitioner's plaint has been rejected erroneously on the said ground by the courts below.
3. On the other hand, the learned counsel representing the respondent submits that the plaintiff-Bagu Khan was an employee of the Golden Forest India Limited. He submits that the Golden Forest India Limited purchased the property on a significant role played by the plaintiff-Bagu Khan. He submits that Sh. Bagu Khan is one of the witness to the sale

deed which has been executed in favour of Golden Forest India Limited and the properties of Golden Forest India Limited are being managed by a Committee constituted under the orders of the Supreme Court, therefore, this court should not interfere. He further relies upon the orders passed by the Supreme Court from time to time as well as in **Om Parkash vs. Golden Forest India Ltd. and another**(Civil Revision No.1454 of 2022, decided on 22.04.2022).

4. During the course of arguments, the learned senior counsel representing the petitioner contends that the petitioner is in possession of the property from time immemorial. On a court question, he did not dispute that Sh. Bagu Khan was working as a representative of Golden Forest India Limited and he was instrumental in purchasing the various properties for the company. He submits that the Committee cannot take over possession without demarcating the area.

5. The learned counsel representing the respondent submits that he has no objection if the property is demarcated and possession of the area which has been purchased by the Golden Forest India Limited or its subsidiary is handed over to the respondent-Committee.

6. Keeping in view the facts of the case and without going into the issue of maintainability, the Tehsildar, Panchkula, is directed to depute a senior revenue official to get the property/area demarcated within 10 days, from today. Upon demarcation, if the revenue authorities reach at a conclusion that Sh. Bagu Khan has encroached upon the property of the Golden Forest India Limited or its subsidiary, the Committee shall be entitled to take over possession with the help of the police.

7. With these observations, the revision petition is disposed of.

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

March 15, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO