

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.623 of 2021 (O&M)
Date of Order:11.03.2024

Yashpal

Versus

Gram Panchayat and others

.Appellant

..Respondents

RSA NO.627 of 2021 (O&M)

Prem Raj

Versus

Gram Panchayat and others

.Appellant

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Bhagwan Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. These two connected Regular Second Appeals have been filed by the plaintiff(s). The plaintiff filed a suit for the grant of decree of permanent injunction and mandatory injunction, restraining the Gram Panchayat from leasing out the suit property. The property in dispute vests in the Gram Panchayat. The plaintiff claims that the Gram Panchayat had leased out the property in his favour for a period of 2 years vide agreement dated 08.08.2013, however, he was unable to get possession as the property was in possession of unauthorised occupants.
2. The Gram Panchayat contested the suit and claimed that the possession was handed over to the plaintiff and he never cultivated the land.
3. The trial court directed the Gram Panchayat to refund Rs.37,200/-, however, in first appeal filed by the Gram Panchayat, the

judgment and decree passed by the trial court was reversed. It was held that the plaintiff filed the suit on 30.07.2015 i.e., when his term of two years' lease was coming to an end and claimed that possession was not handed over to him. The plaintiff never complained to the Gram Panchayat that he had not been delivered possession of the same for nearly 2 years. Thus, the First Appellate Court reversed the judgment and decree passed by the trial court.

4. The learned counsel representing the appellant submits that the First Appellate Court has erred in reversing the judgment and decree passed by the trial court.

5. This court has considered the submission of the learned counsel representing the appellant.

6. Admittedly, the land belongs to the Gram Panchayat. The plaintiff was leased out the land only for a period of 2 years from 08.08.2013 to 08.08.2015. Thereafter, the plaintiff has no right, title or interest in the suit land. Hence, he cannot restrain the Gram Panchayat from leasing out the property.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

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

March 11, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO