



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1949 of 1994 (O&M)

Date of Order:15.05.2024

Municipal Committee, Sunam

.Appellant

Versus

Ashok Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamaldeep Singh Sidhu, Advocate
for the appellant.

Mr. Kanish Jindal, Advocate,
Mr. Arun Jindal, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. The defendant has filed this regular second appeal challenging the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the plaintiff's (respondent herein) suit for grant of decree of permanent injunction. In substance, the plaintiff filed the suit claiming that he has purchased the property from the Department of Rehabilitation in an open auction held on 28.10.1983, which was followed by the sale certificate dated 05.11.1985 and the property was entered in his name on 31.10.1986.

2. The defendant-Municipal Committee while contesting the case claimed that the plaintiff has no concern with the suit property as it was taken on rent by one Sh. Brij Lal son of Sh. Rikhi Ram, who constructed the shop and now the defendant has obtained an ejectment order against him.

3. In order to prove purchase of the property, the plaintiff examined Sh. Karnail Singh, a Clerk, from the office of Tehsildar Sales to

prove that he purchased Plot No.58 comprised in khasra no.766-67, which was originally owned by the provincial Government. It was further found that the total area of khasra no.766-67 was 13 kanals and 14 marlas, whereas only 13 kanals and 13 marlas land was transferred in favour of the Municipal Committee by the provincial Government and it is for this reason the defendant was transferred land comprised in khasra no.766-67/2/2 and not the entire land.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book as well as the requisitioned record.

5. The learned counsel representing the appellant submits that the courts have erred in assuming the there was a valid allotment in favour of the respondent as initially the land was owned by the provincial Government which in turn transferred in favour of the Municipal Committee by virtue of notification dated 17.05.1950. However, it is evident that the Municipal Committee claims property by virtue of notification issued by the provincial Government, however, it is significant to note that the aforesaid notification transfers 13 kanals and 13 marlas land and not 13 kanals and 14 marlas.

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

7. Dismissed.

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

May 15, 2024

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Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO

(ANIL KSHETARPAL)
JUDGE