

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

RSA-969-1994 (O&M)

Reserved on: 09.04.2024

Date of decision:18.04.2024

Narain Singh and others

....Appellants

Versus

Secretary, Forest Department and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Parul Saini, Advocate for the appellants

Mr.J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J

1. In this Regular Second Appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for the grant of decree of permanent injunction restraining the State of Haryana and its various Departments from interfering in their rights to graze their animals in the suit land. They also prayed for permanently injuncting the respondents from reclaiming the suit land. In substance, the plaintiff claim that originally they were residing in village Madalpur (Delhi), which was acquired by the Government of India for establishment of New Delhi. In 1914 the plaintiffs were shifted to village Bir Surja and the suit land was reserved for permitting them to graze their cattles. They are relying upon Wazib-ul-arj written at the time of consolidation of the land holdings.

2. Per contra, it is the stand of the State of Haryana that the suit property is part of the forest land, which was transferred in favour of

the various Departments vide notification dated 05.10.1945. Previously also, the villagers of village Bir Surja filed a suit which was dismissed on 13.03.1970. The land was declared as protected forest on 21.01.1970.

3. Upon appreciation of evidence, both the courts have concurrently held that the plaintiffs were allotted separate parcels of land which is different from the suit land. In the Sharat Wajib-ul-arj, it is recorded that the plaintiffs are grazing their animals in the suit land. As per the revenue record, the suit property is owned by the State Government. The plaintiffs have failed to show their right, title or interest in the property. At the most, they were permitted to use the land for grazing their cattle. The aforesaid stipulation in the Sharat Wajib-ul-arj confers no right upon the plaintiffs. The defendants, being the owner, are entitled to use the same in the manner they like. The plaintiffs have failed to prove that the suit land was allotted to them in lieu of the land which was left by them in village Madalpur (Delhi).

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Hence, dismissed.

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

18.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE