

130 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-3888-2022(O&M)  
Date of decision :19.04.2024

Pargan Singh and others ...Petitioners

Vs.

Mohalla Committee and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagjit Singh, Advocate  
for the petitioners.

Mr. Mandeep K. Dhot, Advocate for  
Mr. N.S. Dadwal, Advocate  
for the respondents No. 1 and 2.

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ANIL KSHETARPAL, J. (Oral)

1. This revision petition has been filed by the plaintiffs to assail the correctness of concurrent orders passed by the Courts below while refusing to grant injunction in their favour.
2. The dispute is with regard to a public passage which passes through Colony and Shopping Complex. It is the case of the plaintiffs that there is no public passage, however, both the Courts below on appreciation of material placed on file has come to the conclusion that on 06.03.2021 and 30.03.2021, two resolutions were passed by the Gram Panchayat proving existence of passage. Moreover, the Block Development Panchayat Officer, Kapurthala also sent two letters to the Station House Officer, Police Station Bholana, District Kapurthala for taking an action against the plaintiff for dismantling the road without permission of the authority. Thus, the Courts below have refused to grant injunction in favour of the plaintiffs.

3. Learned counsel representing the petitioner contends that there is no public passage and therefore, the respondents should be restrained from demolishing the wall in between the Colony and Shopping Complex.
4. This Court has considered the submission.
5. Though, in the revenue record, there is no entry with regard to existence of a public passage, however, there are two resolutions of the Gram Panchayat as well as communication by Block Development Panchayat Officer, Kapurthala, explaining that the plaintiff has dismantled the existing road.
6. In such circumstances, there is no error in the orders passed by the Courts below refusing to grant injunction.
7. Hence, no ground to interfere is made out.
8. Dismissed.

19.04.2024

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Whether speaking/reasoned :  
Whether Reportable :

(ANIL KSHETARPAL)  
JUDGE

Yes No  
Yes No