



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

109

RSA-581-2019 (O&M)
Date of Decision : 28.01.2025

MANOHAR LAL

.... Appellant

VERSUS

KAKA SINGH AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gurcharan Dass, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present regular second appeal has been preferred by the plaintiff-appellant challenging the judgments and decrees dated 04.02.2016 and 26.03.2018 passed by the Trial Court and the First Appellate Court, respectively.

2. Brief facts relevant to the present *lis* are that the plaintiff-appellant herein filed a suit for permanent injunction for restraining the defendant-respondents from interfering in the lawful and peaceful possession of the plaintiff-appellant and uprooting the signboard of Manohar Basti installed outside Manohar Basti situated in the area of Dhurkot Ransih Road, Nihal Singh Wala, District Moga and further restraining them from harassing the plaintiff-appellant. Admittedly the plaintiff-appellant is owner of one plot. He had got a society, namely, Manohar Basti Vikas Welfare Society, registered with the Registrar of Societies, Punjab, Moga. He is *karkun* and *mohtamim* of the said society. It was further averred in the plaint

that the plaintiff-appellant was managing and controlling the said *basti* since 11.05.2008 and he had installed a board of the society in front of the locality. It was further the case that the defendant-respondents were land grabbers and they with a *mala fide* intention wanted to uproot the signboard of the society.

3. The defendant-respondents put in their appearance and contested the suit *inter alia* stating that the *basti* was being looked after and managed by the Gram Panchayat, Nihal Singh Wala and that the said locality is not owned by the plaintiff-appellant. It was further the case that most of the inhabitants wanted the name of the society changed to Baba Jiwan Singh Nagar and for that purpose they had followed the proper procedure and moved an application before the Deputy Commissioner, Moga. The said application was still pending before the Deputy Commissioner, Moga and that the defendant-respondents wanted to change the name of the society only with the permission of the authorities. It was further the case that on 30.08.2014 the plaintiff-appellant along with his supporters entered the house of defendant-respondent No.4 and caused injuries to him qua which FIR No.141 dated 30.08.2014 under Sections 324, 34 Indian Penal Code, 1860 was registered at Police Station Nihal Singh Wala.

4. Replication was filed. On the basis of the pleadings of the parties the following issues were framed :-

1. Whether plaintiff is entitled to the relief of permanent injunction, as prayed for ? OPP

2. Whether there is any bar in maintainability of present suit ? OPD

3. Whether the plaintiff has concealed the material facts from this Court ? OPD

4. Relief.

5. The Trial Court vide judgment and decree dated 04.02.2016 dismissed the suit. Aggrieved by the same an appeal was preferred by the plaintiff-appellant which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 26.03.2018. Hence, the present regular second appeal by the plaintiff-appellant.

6. Learned counsel for the plaintiff-appellant would contend that both the Courts have erred in dismissing the suit. It is urged that the name of the *basti* is Manohar Basti Vikas Welfare Society and that the plaintiff-appellant has his Aadhaar Card and Ration Card stating the same. It is further the contention that the defendant-respondents are bent upon removing the board of the *basti* to which they had no right and therefore the injunction ought to have been granted.

7. Heard.

8. Admittedly the plaintiff-appellant in the present case owns one plot in the locality. He had got a society registered under the name of Manohar Basti Vikas Welfare Society. The claim of the plaintiff-appellant that the entire *basti* is owned by him is belied by his own stand that he only owns one plot. Merely by owning a single plot the plaintiff-appellant would not become the owner of the entire *basti*. The plaintiff-appellant had got a

society registered under the name of Manohar Basti Vikas Welfare Society however, he cannot impose the said name on the entire locality. He is a self-appointed president of the society. However, it cannot be said that the plaintiff-appellant is the owner of the entire locality. The area undisputedly falls within the Municipal Council, Nihal Singh Wala and the management of the same vests with the Municipal Council, Nihal Singh Wala. Neither the plaintiff-appellant nor the defendant-respondents have any right to name the said locality as per their whims and fancies. It is for the Municipal Council to name the locality or to change the name by following the proper procedure of law.

9. In view of the above, I do not find any merit in the present appeal. No question of law, much less any substantial question of law, arises for determination in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

28.01.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*