



CR-1304-2025

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1304-2025

Date of decision : 03.03.2025

Sumer Singh

... Petitioner

Versus

Gram Panchayat of village Daultabad (Kuni) and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Munish Mittal, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 30.01.2024 (Annexure P-4) passed by the Civil Judge (Jr.Div.), Pataudi, vide which the trial Court has declined to grant ad-interim injunction in favour of the petitioner. Challenge is also to the order dated 18.02.2025 (Annexure P-6) passed by the Additional District Judge, Gurugram vide which the said order has been upheld.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a suit for declaration with consequential relief of permanent and mandatory injunction against the Gram Panchayat, BDPO Pataudi, SDO, Civil, Collector and State of Haryana on the plea that the

**CR-1304-2025****2**

plaintiff had built a house in Rect. no.33 of killa no.7 and the Gram Panchayat was proceeding against the petitioner on the basis of demarcation report which was not in accordance with law. It is submitted that the trial Court vide order dated 30.01.2024 did not grant ad-interim relief and thus, the petitioner filed an appeal against the said order which was also dismissed by the Ist Appellate Court vide order dated 18.02.2025. It is submitted that the order dated 18.02.2025 is against law and deserves to be set aside and the petitioner deserves to be granted injunction from forcible dispossession, otherwise the suit of the petitioner would be rendered infructuous.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book and finds that the impugned orders dated 30.01.2024 and 18.02.2025 have been rightly passed and deserve to be upheld and the present petition being meritless deserves to be dismissed for the reasons stated hereinafter.

4. A perusal of the impugned order dated 18.02.2025 passed by the Ist Appellate Court would show that it has been specifically recorded in the same that the Local Commissioner had visited the spot and had prepared a demarcation report in which several persons of the village including the Sarpanch and other panches of the village were present and several persons were stated to have encroached upon the land which included the present petitioner and his name was mentioned at serial no.23 of the report. It has further been observed that a petition was filed by the Gram Panchayat under



Section 7 of the Punjab Village Common Land (Regulation) Act, 1961 (hereinafter referred to as “the Act”) against the present petitioner and 13 other persons for removal of the encroachment and vide judgment dated 12.06.2019, the said application was allowed. On a pointed query raised by this Court, learned counsel for the petitioner has fairly submitted that the petitioner was also a party to the said order and thus, has suffered an order of eviction under Section 7 of the Act. It has further not been disputed that no appeal was filed against the said order by the present petitioner although an appeal was filed by one Patram against the order of Assistant Collector Ist Grade, which was also dismissed vide order dated 11.07.2023 and no further revision / appeal was filed by the said Patram against the said order which has also attained finality. Since the above said aspect has not been disputed, thus, on the said short ground alone, it is apparent that the petitioner does not have any prima facie case in his favour. The petitioner was a party to the proceedings under Section 7 of the Act and has suffered an order of eviction, which order has attained finality. The said order has not even been challenged in the present suit, and thus it is not even open to the petitioner to raise the plea that the said order is not binding or is not based upon a correct demarcation report.

5. The Ist Appellate Court while dismissing the appeal filed by the petitioner against the order passed in the application under Order 39 Rules 1 and 2 CPC has further noticed the fact that the petitioner had earlier filed a civil suit against the Gram Panchayat for declaration, permanent



injunction and mandatory injunction and the said suit was dismissed vide judgment and decree dated 10.08.2023 and the appeal filed by the petitioner against the said judgment and decree had also been withdrawn. Specific reference was made to paragraph (c) of the prayer clause of earlier suit in paragraph 5 of the order of the Ist Appellate Court, which is reproduced hereinbelow:-

“5. In earlier civil suit in para No.(c) of prayer clause the appellant has claimed that if the court found that the appellant is actually residing on the other land than that of land of which was fallen land of Panchayat of village Daultatabad then even a decree for mandatory injunction may kindly be passed in favour of plaintiff and against the defendants directing the defendants that they will execute the sale according to the State Government Policy in favour of the plaintiff upon the prevailing collector rate regarding the land upon which the plaintiff constructed his residential house.”

6. On the basis of the above pleadings, it was observed by the Ist Appellate Court that even the petitioner was aware that he had encroached upon the land of the Gram Panchayat and the Gram Panchayat was only removing the encroachment in accordance with law but the petitioner had approached the civil Court in order to delay the proceedings.

7. The abovesaid two facts i.e., filing of the petition under Section 7 of the Act for removal of encroachment and the said proceedings having attained finality against the present petitioner and also the fact that the earlier suit filed by the petitioner having been dismissed clearly show that



CR-1304-2025

5

the petitioner has no prima facie case in his favour. The Gram Panchayat has apparently proceeded in accordance with law and thus, the petitioner is not entitled to any injunction. The present suit and the present application have been filed only to delay the proceedings and to avoid execution of the order passed in the proceedings under Section 7 of the Act.

8. Keeping in view the abovesaid facts and circumstances, the impugned orders dated 30.01.2024 and dated 18.02.2025 are in accordance with law and deserve to be upheld and the present petition being meritless deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

March 03, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No