

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

106

2025:PHHC:051266



**RSA-1524-1999 (O&M)
Date of decision: 22.04.2025**

MUNISH & ANR.

..Appellants

Versus

MUNICIPAL COMMITTEE KALANAUR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Kumar Hooda, Advocate for the appellants.

Mr. Rajesh Lamba, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

1. The plaintiffs assail the correctness of First Appellate Court's judgment, which in turn has reversed that of the trial Court.

2. The plaintiffs filed the suit claiming that their father was an owner in possession of a shop located in the area of village Kalanaur Khurd and the defendant is threatening to forcibly dispossess them. The Municipal Committee, Kalanaur contested the suit on the ground that neither the plaintiffs nor their father was either owner or in possession of the property. In fact, the plaintiffs with the help of Sh. Billu son of Sh. Ram Kumar have forcibly occupied the same, hence, the Municipal Committee issued notice on 28.03.1994 and also lodged report with the police for encroaching the property. The trial Court decreed the suit, however, the First Appellate Court has held that the plaintiffs are not entitled to injunction because the property was previously owned by Gram Panchayat. The area of Gram Panchayat subsequently came within the municipal limits, hence, the Municipal Committee is entitled to manage the same.

3. Learned counsel for the appellants contends that the plaintiffs are proved to be in possession, hence, they are entitled to protect their



possession because electricity connection has been issued in their favour and they also have sales tax numbers.

4. This Court has considered the submissions of learned counsel for the appellants.

5. On a Court question, learned counsel for the appellants have failed to show any right, title or interest in favour of the appellants.

6. Before granting injunction, the Courts are expected to apply the following triple tests:-

- i. *Prima facie* case;
- ii. Balance of convenience in favour of the party seeking injunction; and
- iii. Irreparable loss and injury, which the plaintiffs will suffer.

7. In the present case, the plaintiffs neither have a *prima facie* case, nor the balance of convenience is in their favour nor they will suffer irreparable loss.

8. The Municipal Committee is proceeding in accordance with the provisions of the Haryana Municipal Act, 1973.

9. Hence, no ground to interfere is made out.

10. Dismissed.

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

April 22nd, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*