



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-1755-2025 (O&M)

Date of decision: 20.05.2025

Ramesh Chand

...Appellant(s)

Vs.

Gram Panchayat of village Khandra

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ankit Chaudhary, Advocate for the appellant.

NIDHI GUPTA, J.

The present second appeal has been filed by the plaintiff against the concurrent judgments and decrees of the learned Courts below, whereby the suit of the plaintiff for permanent injunction restraining the defendant-Gram Panchayat from changing the nature of agricultural land comprising in Khewat No. 486, Khatoni No. 530, Khasra No. 18, Killa No. 8 (8-0) (hereinafter referred to as 'suit land) and mandatory injunction directing the defendant to removal illegal construction over the suit property, has been dismissed by both the Courts below.

2. It was the pleaded in the plaint that the plaintiff is Biswedar having rights in Panchayat Deh, Gora-Deh, Abadi-Deh and common lands of the village. The suit land, including other lands in the ownership of the defendant Gram Panchayat, was leased out to the highest bidder in open



auction of more than Rs.58,000/- per acre per year. Shailender Singh who was elected as Sarpanch in the last Gram Panchayat election, was inimical towards the plaintiff and some other villagers and he had started illegally misusing the Panchayat funds and damaging Gram Panchayat properties. In furtherance to which the Sarpanch and other members belonging to the defendant Gram Panchayat had passed resolution without preparing land utilization plan as required under Rule 3 of the Consolidation Rules 1964 and the Punjab Village Common Lands Regulation Rules 1964. The plaintiff had objected and requested the defendant to stop the illegal construction however to no avail. The defendant was still proceeding to raise boundary wall on the suit land despite objections. It was contended that the suit property is Nehri/agricultural land and is a source of income for the Panchayat through lease. Hence, the present suit was filed on 23.07.2020.

3. Upon notice, defendant appeared and filed written statement resisting the suit. It was pleaded that the defendant-Gram Panchayat Khandra was in actual, physical and exclusive possession of the suit property; that out of the suit land the defendant had already allotted plots measuring 100 sq.yds. to different persons belonging to Schedule Caste/Backward Class, and persons below poverty line, under the various schemes on the directions of the Government of Haryana. It was contended that as such, nature of suit land was already changed from agricultural to residential. It was further averred that a request/application was received from the inhabitants of the Basti



(created by the defendant upon the suit land), for construction of chaupal. Thereafter, the defendant had passed a resolution No. 1 dated 11.09.2019 which was submitted before the higher authorities i.e. BD & PO, SDO (PR) Madlauda, XEN(PR), Panipat; whereafter construction of chaupal was allowed for the benefit of the entire village community.

4. Replication was not filed.

5. From the pleadings of the parties, following issues were framed by the learned trial court vide order dated 27.01.2021:-

- “1. Whether the plaintiff is entitled to a decree for permanent injunction as prayed for?OPP*
- 2. Whether the instant court has jurisdiction to entertain and try the instant suit?OPD.*
- 3. Whether the instant suit is not maintainable?OPD*
- 4. Whether the plaintiff has no locus standi and cause of action to file the instant suit?OPD*
- 5. Whether the plaintiff has not approached the court with clean hands and has concealed material facts?OPD*
- 6. Relief.”*

6. Learned Civil Judge, Junior Division, Panipat dismissed the suit of the plaintiff with costs vide judgment and decree dated 13.02.2024. The appeal filed by the plaintiff was also dismissed with costs by the learned Additional District Judge, Panipat vide judgment and decree dated 01.02.2025. Hence, the present second appeal by the plaintiff.

7. It is *inter alia* submitted by learned counsel for the appellant that the impugned judgments and decrees are not sustainable being a result of conjectures and surmises. It is submitted that the defendant is destroying the valuable and immovable properties belonging to Gram



Panchayat in which plaintiff has every right and interest being permanent resident of the village. It is contended that the Sarpanch of the defendant-Gram Panchayat in collusion with the other members of the Gram Panchayat had passed a resolution under the garb of developing chaupal in the suit land without compliance of the applicable rules and regulations. Even no permission was obtained from the competent authority. However, in dismissing the suit of the plaintiff, the learned Courts below have failed to consider that mere passing of any resolution by Gram Panchayat does not dispense with the proper permission and procedure as envisaged under the Rules for changing the nature of agricultural land. Learned Courts below have failed to appreciate the facts and law and have incorrectly decided the issues against the plaintiff. Huge monetary loss is being caused to the entire village by the embezzlement of Gram Panchayat funds.

8. It is further submitted that the learned courts below misdirected themselves in reaching the conclusion that prior permission was obtained from the higher authorities to convert the agriculture land to chaupal, but as such no evidence was produced before lower court to show that permission was obtained from higher officials. It is accordingly prayed that the present appeal be allowed; and the impugned judgments and decrees of the learned Courts below be set aside.

9. No other argument is raised on behalf of the plaintiff.

10. I have heard learned counsel for the appellant/plaintiff and perused the case file in great detail.



11. I find no merit whatsoever in the submissions made on behalf of the plaintiff. Perusal of the record reveals that as per jamabandi for the year 2014-15 Ex.P1, which was placed on record by the plaintiff himself, the suit land is in the ownership of the defendant-Gram Panchayat. Further to that, defendant had placed on record copy of resolution No. 1 dated 11.09.2019 Ex.D4, as per which it was decided that the chaupal will be constructed in Mahatma Gandhi Gramin Basti upon the request of the inhabitants of the said Basti. Resolution No.1 dated 11.09.2019 Ex.D4 falsifies the allegations of the plaintiff against the Sarpanch as it is clear that chaupal was constructed after resolution had been passed by the Gram Panchayat; and not by the Sarpanch alone by misusing Gram Panchayat funds. Moreover, Plaintiff has not challenged the resolution, Ex.D4 on the basis of which defendant had constructed the chaupal. Thus, Suit of the plaintiff was not maintainable as per Section 41 of the Specific Relief Act.

12. Furthermore, it is evident from the documents Ex.D1 to Ex.D3 and Ex.D5, that after passing of resolution Ex. D4 by the Gram Panchayat, necessary permissions in this regard were taken by the defendant from the higher authorities comprising in the BD & PO, SDO (PR) Madlauda, XEN(PR), Panipat. Nothing was produced by the plaintiff to indicate that defendant had in any manner violated any law or acted arbitrarily. On the contrary, it has been admitted by the plaintiff/PW1 in his cross-examination, as also stated in the written statement of the defendant, that the defendant had constructed chaupal for weaker section of the



society. Moreover, the plaintiff is not able to make out any loss or injury caused to him. Plaintiff had not even placed on record any document to show that any application has been made by him to Gram Panchayat or any other higher authority alleging misuse of Gram Panchayat funds. In fact, no witness has been produced by the plaintiff to substantiate or corroborate his case. Needless to say, while granting injunction public interest at large is required to be seen.

13. Learned counsel for the plaintiff is unable to dispute or controvert the above said facts and findings on record.

14. In view of the discussion above, no ground is made out to interfere in the concurrent judgments and decrees of the learned Courts below. The present regular second appeal is hereby **dismissed**.

15. Pending applications, if any, stand disposed of.

20.05.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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