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

RSA-4970-2015 (O&M)

Date of decision : 18.08.2025

HARNAM SINGH

....Appellant

Versus

GRAM PANCHAYAT, VILLAGE SHIMLA GUJRAN, TEHSIL BAPOLI
DISTRICT PANIPAT

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Surinder Gandhi, Advocate
for the appellant.

Mr. Sandeep Verma, Advocate for
Mr. Sukhdeep Singh Parar, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

CM No.11875-C of 2015

This is an application filed under Section 151 CPC seeking
condonation of delay of 21 days in refiling the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicant/appellant has made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
21 days in refiling the instant appeal is hereby condoned.

**RSA-4970-2015 (O&M)**

Plaintiff is in second appeal. For convenience and to avoid confusion, the parties hereinafter are referred to by their original position before the Court of the First Instance i.e. the appellant as ‘plaintiff’ and the respondent as ‘defendant’.

2. Plaintiff filed suit seeking decree of declaration to the effect that notice, dated 24.02.2011 issued by the respondent, under Section 24(i) of the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as ‘the 1994 Act’), is illegal, null and void.

3. Pleaded case of the plaintiff is that his father namely Harbhajan came in possession of the house in question in the year 1949. However, 36-37 years back his father died and, thereafter, the plaintiff and his brother are continuing to be owner in possession of the house. Despite the plaintiff being in established possession, Gram Panchayat issued notice under Section 24(i) of the 1994 Act due to party factionalism in the village. House of the plaintiff is situated in *Abadi deh* and the provisions of Haryana Panchayati Raj Act, are not applicable.

4. The suit was contested by the defendant/Panchayat. Preliminary issue was raised w.r.t. bar of the jurisdiction of the civil court.

5. Suit filed by the plaintiff was put to trial by the Court of the First Instance, framing following issues:

- “(i) Whether impugned notice under section 24(i) of the Haryana Panchayati Raj Act is illegal on the grounds taken in the plaint? OPP.



- (ii) If issue No.1 is proved, whether plaintiff is entitled for declaration and injunction, as prayed in the plaint? OPD.
- (iii) Whether the plaintiff has no locus standi to institute the suit? OPD.
- (iv) Whether the plaintiff has no cause of action to file the suit? OPD.
- (v) Whether the suit is not maintainable in the present form? OPD.
- (vi) Whether suit is barred by limitation? OPD
- (vii) Whether suit is false and frivolous and defendant is entitled for cost under Section 35-A CPC? OPD.
- (viii) Whether suit is bad for non-impleading Gram Panchayat being necessary party? OPD
- (ix) Whether suit is bad for non-service of notice under Section 204/205 of Haryana Panchayati Raj Act? OPD
- (x) Relief.”

6. Both the Courts below while deciding Issues No.1 and 2 found that the plaintiff failed to prove his possession over the suit property and dismissed the suit holding that apart from the fact that the plaintiff failed to prove his possession, jurisdiction of the civil court was also barred.

7. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that that the findings recorded by the Courts below on Issues No.1 and 2, cannot be sustained.

8. Once the plaintiff has been issued notice under Section 24(i) of the 1994 Act, defendant admitted that he is in possession. Having held so, this Court finds that instead of maintaining the present suit merely against the show cause notice, the proper course for the plaintiff would have been to respond to the notice under Section 24(i) of the 1994 Act and await



for the decision by the appropriate authority and, thereafter, to avail remedy in accordance with law.

9. As a sequel of the discussion held hereinabove, the present appeal is disposed off granting plaintiff liberty to respond to the notice under Section 24(i) of the 1994 Act, within a period of **8 weeks** from today.

10. The findings recorded by the Courts below regarding plaintiff not being in possession of the house, are hereby set aside.

11. The competent authority shall decide the issue without being prejudiced by the findings recorded by the Courts below in the present *lis*.

12. Till the matter is finally decided, the respondent shall not disturb the possession of the plaintiff forcibly except in due course of law.

13. Ordered accordingly.

14. Pending application(s), if any, shall also stand disposed off.

August 18, 2025

Dpr

(Pankaj Jain)
Judge

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