



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

(124)

**RSA No. 3117 of 2025 (O&M)
Date of Decision: 19.11.2025**

NIRMAL SINGH AND ANOTHER**...Appellants**

Versus

GULZAR SINGH AND OTHERS**...Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Atul Jain, Advocate
for the appellants.

VIRINDER AGGARWAL, J.(ORAL)

1. The instant Regular Second Appeal has been preferred by the appellants/plaintiffs against the concurring judgments of Courts below, whereby the suit for permanent injunction as well as mandatory injunction filed by the appellants/plaintiffs claiming themselves to be the inhabitants of Village Hussainpur Dullowal has been dismissed.

2. Appellants/plaintiffs claimed that suit property vests in Gram Panchayat and respondents/defendants forcibly and illegally raising construction in some portion of the suit land bearing Khasra No.57/1-16 (Gair Mumkin Bus Stand) Khasra No.58/0-10 (Gair Mumkin Toilet) recorded as Jumla Malkan Hasad Rasad Khewat by encroaching upon the same. The suit was contested by respondents/defendants No.1 to 3 on the grounds of maintainability and locus standi. Appellants/plaintiffs having no cause of action and that they are in possession of their own land and has not encroached upon any portion of the land owned by Gram Panchayat. They had constructed their



house since 1958-59. The house of defendant was divided between plaintiff No.1 and defendant No.1. Plaintiff sold his half share to defendant No.1 vide Ikrar Nama Kabza dated 08.08.2007 and left the possession to defendant No.1 and when defendant No.1 was raising construction, plaintiff filed the suit.

3. Similarly, Mohinder Singh was in possession over portion shown as GBDH and legal heirs of Mohinder Singh half share to Balwinder Singh-defendant No.2 vide Ikrar Nama Kabza dated 04.08.2007. Inder Singh was in possession of some portion out of GDBH and some portion adjoining GDBH. Defendant No.2 has constructed his house since last 9-10 years and prayed for dismissal of the suit.

4. A replication having been filed by the appellants/plaintiffs. From the pleadings of the parties, following issues were framed on 07.09.2019:-

1. Whether plaintiffs are entitled to the relief of permanent injunction, as prayed for? OPP
2. Whether plaintiffs are entitled to relief of mandatory injunction, as prayed for? OPP
3. Whether suit has not been properly valued for the purpose of Court fees? OPD
4. Relief.

5. Parties were afforded opportunity to lead the evidence. After hearing arguments, the suit was dismissed by the learned Civil Judge (learned Trial Court) vide judgment and decree dated 28.02.2022 and aggrieved by the judgment and decree so passed, the appeal was filed.

6. Learned Additional District Judge, Kapurthala (learned Appellate Court), dismissed the appeal and now the present appeal has been filed.

7. The case of the appellants/plaintiffs is that Gram Panchayat is the owner of the suit property as suit land was reserved for common purposes. Both the Courts below has held that appellants/plaintiffs has failed to prove on record



that the suit land was reserved for common purposes. It is settled law now that only that property would be vested in Gram Panchayat which has been reserved for common purposes in a Consolidation Scheme and has been so used whereas there is no evidence on record to prove that the suit land was ever reserved for common purposes. As per the entries in the Jamabandi, suit land is recorded to be Jumla Mustarka Malkan Hasad Rasad Khewat. It is the bachat land of the proprietary body of the village, so, respondents/defendants being inhabitants of the village are entitled to share in the same. Both the Courts below has concluded that since, appellants/plaintiffs claimed the suit property as ownership of Gram Panchayat. In such circumstances, the suit of the appellants/plaintiffs is barred under Section 13 of Punjab Village Common Lands Act.

8. After hearing counsel for the appellants, I find that there is no illegality or perversity in the findings recorded by the Courts below and no substantial question of law has arisen, as such, finding no merits in the instant appeal the accordingly, the same is dismissed.

9. Since the main case has been dismissed, pending miscellaneous application(s), if any, stands also disposed of.

19.11.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No