



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

CR-1630-2026

Date of Decision:21.05.2026

HARWINDER SINGH

...Petitioner

Versus

GRAM PANCHAYAT, MALAKPUR KHADAR

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Satwant Singh, Advocate
Mr. Ranjit Saini, Advocate
Mr. Rohit Singh, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Present revision petition has been preferred under Article 227 of the Constitution of India by the petitioner-plaintiff being aggrieved by order dated 21.08.2025 (Annexure P-7) passed by learned Additional Civil Judge (Senior Division), Bilaspur whereby his application under Order XXXIX Rule 1 and 2 read with Section 151 CPC for grant of ad interim injunction was dismissed and also by order dated 13.01.2026 passed by learned Additional District Judge, Yamuna Nagar whereby appeal preferred by petitioner-plaintiff against order dated 21.08.2025 was also dismissed.

2. In the present case, petitioner-plaintiff had sought permanent injunction seeking to restrain respondent-defendant from interfering illegally and forcibly in the actual physical and peaceful possession over the land measuring 20 kanal 19 marla as detailed in the plaint.

3. It was asserted that suit land is 'Shamlat Deh' land i.e. "Shamlat

Patti Khalsa Hasab Hissa Khewat' and he is in possession of the suit land being proprietor of the village from the time of his ancestors and his name is duly recorded as such in the revenue record. It is asserted that respondent-defendant is trying to dispossess him illegally from the suit land and he had accordingly, sought interim injunction during the pendency of his suit against the respondent-defendant.

4. Respondent-Defendant had duly contested the suit by filing detailed written statement wherein it took number of preliminary objections as regards to maintainability etc. It was asserted that suit land is owned and possessed by respondent-defendant and for last many years it is being given on lease to different persons. It was asserted that in the column of cultivation in the jamabandi and girdawari wrong entries were recorded in the name of petitioner-plaintiff and respondent-defendant had already preferred application for correction of revenue records which is pending adjudication. It is asserted that petitioner-plaintiff is not in possession of suit property and is trying to take advantage of wrong entries made in revenue records. Dismissal of suit as well as application for interim injunction was prayed for.

5. Both the Courts after considering respective contentions of the parties concluded that the entries made in jamabandi in the favour of petitioner-plaintiff are prima facie wrong as there is no prima facie evidence as regards to payment of rent/chakota as recorded in the revenue record. During the course of arguments of present petition also, the learned counsel for the petitioner-plaintiff by referring to jamabandi for the year 1986-87 had admitted that chakota for land was duly mentioned in jamabandi as Rs.5,600/- per annum. In subsequent jamabandies entries, the amount of

chakota is missing in the present case. This fact goes to show that prima facie it was respondent-defendant which was leasing out the suit property to different persons, therefore, the rate of rent was shown in jamabandi.

6. It was incumbent upon petitioner-plaintiff to prima facie show that he had been paying the rent fixed as shown in jamabandies. Rather in the present case, the case of petitioner-plaintiff is that he is in possession since time of his ancestors as a proprietor of village and he is not claiming his possession to be that of Chakotedar as was mentioned in revenue record. Thus, petitioner-plaintiff is placing reliance upon entries made in revenue record, but he is claiming his possession as proprietor of the village which prima facie shows that this plea is only to grab the respondent-defendant's property on the basis of wrong entries.

7. Therefore, in the present case, petitioner-plaintiff has prima facie failed to prove his possession over the suit property and therefore, both the Courts have rightly dismissed his application preferred under Order XXXIX Rule 1 and 2 read with Section 151 CPC, 1908. The observations made above are prima facie observations only for the purpose to decide present revision petition. There is no merit in the present revision petition, hence dismissed.

8. Pending application(s), if any, is/are disposed of accordingly.

21.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No