

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-2126-2019 (O&M)****Reserved on : 05.03.2026****Pronounced on : 10.03.2026****Judgment uploaded on : 10.03.2026**

*Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced : Full*

Roshan Lal

....Appellant

VERSUS

Jai Singh (deceased) through LRs and Ors.

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sandeep Kumar Yadav, Advocate and  
Mr. C.S. Saini, Advocate for the appellant.

**ALKA SARIN, J. (Oral)**

1. Present appeal has been preferred by the plaintiff-appellant challenging the judgment and decree dated 31.10.2015 passed by the Trial Court and the judgment and decree dated 22.01.2019 passed by the First Appellate Court.

2. The brief facts relevant to the present *lis* are that the plaintiff-appellant herein filed a suit for permanent injunction and possession. It was the case set up by the plaintiff-appellant that he is owner in possession of agricultural land measuring 24 Kanals 0 Marla as fully described in the plaint. Abutting his land there exists a public passage which vests in the Gram Panchayat. It was further the case set up that defendant-respondent Nos.1 and 2 also have their agricultural land abutting the said public passage and they have encroached upon the same. It was further averred in the plaint that since

defendant-respondent Nos.1 and 2 have encroached upon the public passage, the same narrowed down and the villagers started using the land of the plaintiff-appellant as a passage. As the plaintiff-appellant started raising construction on his own land, the Gram Panchayat stopped him and served him a notice under Section 24(1) of the Haryana Panchayati Raj Act, 1994. The plaintiff-appellant moved an application before the Assistant Collector, IInd Grade, Mohindergarh to get the suit land demarcated by the Field Kanoongo and as per demarcation report the defendant-respondent Nos.1 and 2 were stated to have encroached upon the public passage. An application was moved to the Police Post, Akoda and the encroachment was thereafter removed by defendant-respondent Nos.1 and 2. It was further the case set up by the plaintiff-appellant that the Gram Panchayat wanted to construct a *pacca* passage through a part of his land and therefore a prayer for permanent injunction was made for restraining the defendant-respondents from interfering in his peaceful possession and use of the suit land.

3. On notice, defendant-respondent Nos.1 to 4 filed their joint written statement alleging that defendant-respondent Nos.1 to 3 were wrongly impleaded as they have no concern with the said matter. It was further averred that the suit land is abutting a public passage bearing No.84 which vests in the Gram Panchayat and the same was being used by all the villagers and the Gram Panchayat had every right to stop any illegal encroachment. It was further the stand taken that the plaintiff-appellant wanted to encroach the said passage in the guise of the present suit and therefore a notice was issued to him under Sections 24(1) and (2) of the Haryana Panchayati Raj Act, 1994. It was further the stand taken that the plaintiff-appellant was found to have illegally encroached upon 02 Kanals 07 Marlas of land belonging to Gram

Panchayat vide demarcation report dated 30.11.2005. Defendant-respondent Nos.5 to 7 also filed their written statement.

4. On the basis of pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is entitled for the relief of injunction as prayed for ? OPP
2. Whether the plaintiff has no locus standi to file the present suit ? OPD
3. Whether the plaintiff has no cause of action to file the suit ? OPD
4. Whether the plaintiff is estopped by his act and conduct to file the present suit ? OPD
5. Whether the plaintiff had not affixed the proper court fees on the plaint ? OPD
6. Whether the defendants are entitled for special cost under Section 35-A of CPC ? OPD
7. Relief.

5. Vide judgment and decree dated 31.10.2015 the Trial Court dismissed the suit. Aggrieved by the same an appeal was preferred by the plaintiff-appellant which appeal was also dismissed vide judgment and decree dated 22.01.2019. Hence, the present regular second appeal.

6. Learned counsel for the plaintiff-appellant would contend that both the Courts have erred in dismissing his suit. It is urged that the plaintiff-appellant wanted to raise construction on his own land after getting the same demarcated by the Kanoongo however, the report given by the Kanoongo had been disbelieved. Learned counsel for the plaintiff-appellant has further

contended that once the report was tendered and no objection was raised to the same, the report ought to have been relied upon by both the Courts. Learned counsel for the plaintiff-appellant has further contended that the Gram Panchayat, in the garb of developing the *rasta*, wants to encroach upon the property of the plaintiff-appellant.

7. Heard.

8. In the present case the report being relied upon by learned counsel for the plaintiff-appellant is Ex.P1. The Kanoongo who prepared the report was not examined by the plaintiff-appellant and PW3 Rajesh Kumar, who tendered the report, categorically admitted that he had no knowledge of its contents. The Gram Panchayat also issued a notice to the plaintiff-appellant under Section 24(1) of the Haryana Panchayati Raj Act, 1994. It was incumbent upon the plaintiff-appellant to have led cogent evidence to show that the Gram Panchayat was encroaching upon his land. However, no such evidence was produced. The plaintiff-appellant himself while appearing as PW1 had admitted that the disputed passage was existing at the spot which was being used by the villagers and the same was adjoining Village Bhurjat and Jaat. Admittedly, the Gram Panchayat is owner of the passage No.84 abutting the suit land. To prove that there was an encroachment on the suit land the plaintiff-appellant had to lead cogent and reliable evidence to prove the same, which the plaintiff-appellant woefully failed to do. In view thereof, no fault can be found with the judgments and decrees passed by both the Courts.

9. In view of the above, I do not find any merits in the present appeal. No question of law, much less any substantial question of law, arises

in the present case. The appeal, being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.03.2026  
jk

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO