



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

(216)

RSA-896-2000 (O&M)
Date of Decision: **14.05.2026**

GULZAR MASHI

... Appellant

Versus

AMRITSAR IMPROVEMENT TRUST

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Kunal Soni, Advocate for
Mr. Prateek Mahajan, Advocate
for the appellant.

Mr. Anshul Pareek, Advocate for
Mr. Saurav Verma, Advocate
for respondent-Amritsar Improvement Trust.

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VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (hereinafter referred to as the “**RSA**”) has been instituted assailing the concurrent judgments and decrees rendered by the learned Courts below, whereby the suit instituted by the appellant–plaintiff seeking a decree of permanent injunction came to be dismissed by the learned Additional Civil Judge (Senior Division), Amritsar vide judgment and decree dated **10.03.1997**, and the appeal preferred there against was also dismissed by the learned First Appellate Court vide judgment and decree dated **17.12.1999**. Aggrieved by the concurrent findings so recorded, the appellant–plaintiff has approached this Court by way of the present appeal.



2. The facts germane for adjudication of the present case are that the case set up before the learned trial Court by the plaintiff is that he is the lawful owner and is in settled possession of the suit property, fully described in the plaint. The property was initially owned by one Prem Singh, who transferred the same in favour of Darshan Masih vide registered sale deed dated 12.12.1974, pursuant whereunto construction was raised over the said property. Thereafter, Darshan Masih alienated the property in favour of Sucha Singh vide registered sale deed dated 20.07.1979, and subsequently, the plaintiff purchased the same vide registered sale deed dated 02.11.1989. It is further pleaded that the respondent–Improvement Trust had acquired certain land adjoining the colony wherein the suit property is situated under the “**Ajnala Road Scheme**”; however, the colony in its entirety, including the house of the plaintiff, was never subjected to acquisition proceedings. Consequently, the respondent–Trust has no lawful right, title, or interest in the suit property. It is alleged that when the plaintiff intended to reconstruct the boundary wall of the property, officials/employees of the respondent–Trust unlawfully obstructed the same and threatened demolition, thereby compelling the institution of the present suit.

3. Upon notice, the suit was contested by the respondent–defendant, who denied the ownership and possession of the appellant–plaintiff over the suit property. It was contended that the property in question formed part of the land duly acquired by the respondent–Trust through the Land Acquisition Collector and that possession thereof had been delivered to the Trust on 14.05.1980. A preliminary objection was



also raised to the maintainability of the suit on the ground of non-compliance with the mandatory provisions of Section 98 of the Punjab Town Improvement Act, 1922 and Section 80 of the Code of Civil Procedure, 1908. It was further asserted that any sale deed executed subsequent to the acquisition proceedings was wholly illegal, null and void, and incapable of conferring any right, title, or interest upon the appellant–plaintiff as against the respondent–Trust.

4. The plaintiff also filed a replication controverting the averments and objections raised in the written statement while unequivocally reiterating and reaffirming the assertions contained in the plaint. Upon a meticulous, comprehensive, and thoughtful examination of the pleadings of the parties, together with the rival claims and contentions advanced before it, the learned Trial Court deemed it appropriate to crystallize the real controversies arising for adjudication and, accordingly, framed the following issues for determination:-

1. Whether the plaintiff is owner in possession of the suit land? OPP.
2. Whether the defendant has acquired the land in dispute, if so its effect? OPD.
3. Whether the suit of the plaintiff is bad for want of notice under Section 98 of Punjab Town Improvement Act? OPD.
4. Whether the suit is bad for mis-joinder and non-joinder of necessary parties? OPD.
5. Whether the suit is not properly valued for the purposes of court fee and jurisdiction? OPD.
6. Whether the plaintiff is entitled for the permanent injunction prayed for? OPP.
7. Relief.



5. Pursuant to the framing of issues, adequate and effective opportunities were afforded to both parties to adduce their respective oral as well as documentary evidence. Upon an exhaustive appraisal of the pleadings, evidence, and material available on record, the learned trial Court **dismissed** the suit instituted by the appellant–plaintiff. Aggrieved thereby, the appellant preferred an appeal before the learned First Appellate Court; however, the same too came to be **dismissed**, thereby affirming the findings and conclusions recorded by the learned trial Court.

5.1. Feeling dissatisfied with the concurrent decrees and judgments passed by the learned Courts below, the appellant–plaintiff has instituted the present RSA before this Court. The appeal was admitted for regular hearing vide order dated 24.03.2005, and the following substantial question of law was framed for consideration:-

➤ ***“As to whether appellant was a bona fide purchaser for consideration or not?”***

6. I have heard learned counsel for the appellant at considerable length and have bestowed my anxious, thoughtful, and judicious consideration upon the submissions advanced at the Bar, while meticulously examining the pleadings of the parties, the entire evidentiary material available on the record, and the concurrent findings returned by both the learned Courts below.

7. The consistent stand of the respondent–Trust is that the suit property stood validly acquired pursuant to acquisition proceedings finalized in the year 1974. In support thereof, the respondent has produced on record copy of the Award statement Ex.D2, copy of Roznamcha Waqiyati



Ex.D3, and copy of the Roznamcha evidencing delivery of possession dated 14.05.1980 as Ex.D4. A perusal of the Award statement Ex.D2 unmistakably demonstrates that compensation amounting to `1,050/- in respect of the disputed khasra number was duly disbursed to the recorded landowners. The principal plea raised by the appellant-plaintiff is that the house in question had allegedly been exempted from acquisition proceedings. However, except for a bald assertion, no cogent, reliable, or documentary evidence has been brought on record to substantiate the said plea or to establish that the property in dispute was ever exempted from acquisition.

7.1. On the contrary, PW-4 Sucha Singh, during his cross-examination, categorically admitted that possession of the suit property had been taken over by the defendant-Trust on 14.05.1980. Likewise, PW-3 Munshi also admitted in his cross-examination that officials of the respondent-Trust had demolished the boundary wall of the property in question. The sale deed relied upon by the appellant-plaintiff, namely Ex.P2 dated 02.11.1989, admittedly came into existence long after the acquisition proceedings had attained finality and possession had already vested with the Trust.

7.2. Learned counsel for the appellant has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Hemlatha (Dead) by LRs vs. Tukaram (Dead) by LRs and Others, 2026 INSC 82***, wherein it was observed that a registered sale deed carries with it a strong presumption of validity and genuineness, and that registration is not a mere procedural formality but a solemn act imparting sanctity to the instrument. Reliance



has also been placed upon the judgment of the Hon'ble Apex Court in ***Kolkata Municipal Corporation and Another vs. Bimal Kumar Shah and Others, 2024 INSC 435***, wherein the governing principles relating to compulsory acquisition of private property were comprehensively delineated.

8. There can be no quarrel with the settled proposition of law laid down by the Hon'ble Apex Court in the aforesaid judgments. However, the facts of the present case stand on an entirely different footing. Once it has been unequivocally admitted by PW-4 Sucha Singh himself that the property in dispute had already been acquired by the Amritsar Improvement Trust and possession thereof had been delivered on 14.05.1980, any subsequent transfer effected vide sale deed Ex.P2 dated 02.11.1989 could not and did not confer any valid right, title, or interest upon the appellant-plaintiff. The vendor, namely Sucha Singh, having already lost ownership and possession consequent upon acquisition, lacked the legal competence to transfer any enforceable title in favour of the appellant-plaintiff. Significantly, the very executant of the sale deed, while appearing as PW-4, admitted the acquisition and possession of the Trust, thereby completely demolishing the foundation of the appellant's claim.

8.1. In such circumstances, the appellant-plaintiff cannot claim the status of a bona fide purchaser for valuable consideration. The finding recorded by the learned First Appellate Court that the sale deed pertaining to an already acquired property was nothing more than a "*piece of waste paper*" cannot be said to suffer from any legal infirmity, perversity, or misreading of evidence warranting interference by this Court.



8.2. Consequently, in light of the weight of evidence, both documentary and ocular, as substantiated by the record, this Court finds no justiciable grounds to disturb the concurrent findings of fact arrived at by the learned Courts below. The appellant has failed to demonstrate any patent illegality or perversity in the impugned decrees and judgments. Accordingly, the present appeal, being manifestly devoid of merit, stands **dismissed**.

9. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, shall also stand disposed of accordingly. No separate or further orders are required to be passed in that regard.

14.05.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No