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

RSA-2037-2023 (O&M)

Reserved on : 23.12.2025

Date of Decision : 06.02.2026

Judgment Uploaded on : 06.02.2026

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

Ranbir @ Ranjit Singh & Ors

... Appellant(s)

VERSUS

Zile Singh Yadav & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Dhiman, Advocate for the appellants.

ALKA SARIN, J.

1. The present appeal has been filed by the defendant Nos.1 to 8 (defendant-appellants) challenging the judgment and decree dated 03.12.2019 passed by the Trial Court and the judgment and decree dated 31.01.2023 passed by the First Appellate Court.

2. Briefly the facts relevant to the present *lis* are that the plaintiff-respondent No.1 herein filed a suit for mandatory injunction averring therein that he is owner in possession of a house measuring 560 sq. yards situated in village Samar Gopalpur, Tehsil and District Rohtak as shown in yellow colour in the site plan attached with the plaint and fully described in the plaint. It was the case set up that he had constructed a house about 50 years ago and the gates were installed in the eastern side between points A & L and in the southern side between points X & Y and points M and N in Gali

Sare Aam. In the south side of the house, there is a Gali Sare Aam which was made pucca by the Gram Panchayat of village Samar Gopalpur and a water pipeline and electricity poles were also erected by the concerned department in this gali. It was further the case that the gate is being used by the plaintiff-respondent No.1 and his family members for ingress and egress. It was further averred that the defendant-appellants had intentionally and forcibly constructed a wall with pucca bricks at Point E between points X & Y on 06.07.2016 and threatened the plaintiff-respondent No.1 with dire consequences in case he or his family members tried to open or use the gate. The matter was reported to the Police, however to no effect. The plaintiff-respondent No.1 is stated to have also approached the Sarpanch of Gram Panchayat, Village Samar Gopalpur, who is owner of the gali in question, however, the Sarpanch did not take any action. Hence, the present suit.

3. The defendant-appellants filed their joint written statement admitting the claim of the plaintiff-respondent No.1 to the effect that he is residing in village Samar Gopalpur. However, it was alleged that there is a main Sare Aam Gali towards the eastern side and the gali was given to the defendant-appellants for their houses upto the house of Ramesh. The gali towards southern and western side of the house of the plaintiff-respondent No.1 is not a Gali Sare Aam, whereas the gali towards the eastern and northern side is Gali Sare Aam. It was further the stand taken that the land in dispute was owned and possessed by inhabitants of Pana Mohallan which consisted of two tholas i.e. Dhola and Kala. The elders of Thola Dhola gave the land to the plaintiff-respondent No.1 for residing in the village and the elders of Thola Kala gave the land to the defendant-appellants for their residences and also gave the *rasta* from the main gali upto the house of

Ramesh Lohar. It was further averred that the plaintiff-respondent No.1 is a quarrelsome person and with a bad intention he had opened the gate towards southern side to harass the defendant-appellants.

4. The defendant No.9 (respondent No.2 herein) also filed its separate written statement stating that the defendant No.9 had not constructed any wall and that the plaintiff-respondent No.1 had not approached the defendant No.9 for removing the blockage.

5. In the replication, the contents of the plaint were reiterated and those of the written statement were denied. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is entitled to a decree for mandatory injunction as prayed for ? OPP
2. Whether the suit of the plaintiff is not maintainable ? OPP
3. Whether the plaintiff has no locus standi to file the present suit ? OPD
4. Relief.

6. The Trial Court vide judgment and decree dated 03.12.2019 decreed the suit of the plaintiff-respondent No.1. Aggrieved by the same, an appeal was preferred by the defendant-appellants which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 31.01.2023. Hence, the present regular second appeal.

7. Learned counsel for the defendant-appellants would contend that the suit has been decreed on the basis of the weakness of the defendant-appellants and that the plaintiff-respondent No.1 had failed to prove his case.

It is further the contention of the learned counsel that the gali was a private

gali of the defendant-appellants and was not a Gali Sare Aam. It is further the contention of the learned counsel that the said gali was given to the defendant-appellants when the land was given to them for construction of their houses.

8. I have heard the learned counsel.

9. In the present case, PW1 - Zile Singh appeared and filed his affidavit (Ex.PW1/A) in examination-in-chief. He was subjected to a lengthy cross-examination, however, nothing could be extracted from the said witness in the cross-examination. The second witness examined by the plaintiff-respondent No.1 was Raghbir Singh as PW2 who had tendered his affidavit in examination-in-chief as Ex.PW2/A. He had also stated that the gates had been put about 50 years ago when the house was constructed and that in the southern side of the house there was a Gali Sare Aam which was made pucca by the Gram Panchayat and that he was the Sarpanch of village Samar Gopalpur and the construction was done under his supervision. He had also stated that water pipeline and electricity poles have also been erected in the said gali and that the gate at Points X & Y was being used for ingress and egress by the plaintiff-respondent No.1 and his family members. PW3 - Trilok Chand - also corroborated the statements of PW1 and PW2. DW3 - Shiv Kumar - Sarpanch, in his cross-examination, admitted that the gali in dispute is owned by the Gram Panchayat and no particular caste or particular Thola has any concern with Panchayat land. The gate opened in the street marked as X & Y in the site plan (Ex.P1), where the defendant-appellants are stated to have erected a wall, belongs to the Gram Panchayat. Though it was the stand taken by the defendant-appellants and also argued by the learned counsel for the defendant-appellants that the street was a

private street, however, not an iota of evidence has been led to even remotely suggest that the street was their private street. Rather, the witnesses who appeared in the witness box deposed to the contrary.

10. In the absence of any cogent or reliable evidence to even remotely suggest that the street was privately owned by the defendant-appellants, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

06.02.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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