

RSA No. 5626 of 2019 (O&M)
RSA No. 5880 of 2019 (O&M)
RSA No. 5925 of 2019 (O&M)
RSA No. 335 of 2020 (O&M)

2025:PHHC:131690



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

Reserved on : 17.09.2025

Date of Pronouncement :- 22.09.2025

1. RSA No. 5626 of 2019 (O&M)

Municipal Corporation, Yamunanagar ...Appellant

Versus

Sewa Singh and others ...Respondents

2. RSA No. 5880 of 2019 (O&M)

Municipal Corporation, Yamunanagar ...Appellant

Versus

Satya Devi and others ...Respondents

3. RSA No. 5925 of 2019 (O&M)

Municipal Corporation, Yamunanagar ...Appellant

Versus

Yash Pal Singh and others ...Respondents

4. RSA No. 335 of 2020 (O&M)

Municipal Corporation, Yamunanagar ...Appellant

Versus

Sheela Devi and others ...Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Rajesh K. Sheoran, Advocate for the appellant(s).

VIRINDER AGGARWAL, J.

C.M-16003-C-2019 in RSA No. 5626 of 2019

This is an application for condonation of delay of 116 days in re-filing the appeal.

For the reasons mentioned in the application, the delay of 116 days in re-filing the appeal is condoned.

C.M-16823-C-2019 in RSA No. 5880 of 2019

This is an application for condonation of delay of 116 days in re-filing the appeal.

For the reasons mentioned in the application, the delay of 116 days in re-filing the appeal is condoned.

C.M-16947-C-2019 in RSA No. 5925 of 2019

This is an application for condonation of delay of 116 days in re-filing the appeal.

For the reasons mentioned in the application, the delay of 116 days in re-filing the appeal is condoned.

C.M-878-C-2020 in RSA No. 335 of 2020

This is an application for condonation of delay of 125 days in re-filing the appeal.

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For the reasons mentioned in the application, the delay of 125 days in re-filing the appeal is condoned.

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1. By this common order, I intend to dispose of four appeals i.e. RSA No. 5626 of 2019 titled 'Municipal Corporation, Yamunanagar vs. Sewa Singh' and others, RSA No. 5880 of 2019 titled 'Municipal Corporation, Yamunanagar vs. Satya Devi' and others, RSA No. 5925 of 2019 titled 'Municipal Corporation, Yamunanagar vs. Yash Pal Singh and others', RSA No.335 of 2020 titled 'Municipal Corporation, Yamunanagar vs. Sheela Devi and others'.

2. At the request of learned counsel for the appellant, the factual background for the purposes of this common order is being drawn on from RSA No. 5626 of 2019 as it comprehensively sets out the relevant facts.

3. The present regular second appeals have been filed assailing the concurrent judgment of learned Civil Judge (Junior Division), Yamuna Nagar and learned District Judge, Yamuna Nagar vide which the suit filed by respondent-plaintiffs has been decreed and the counter claim of appellant-defendants has been dismissed.

4. Briefly, the respondents-plaintiffs filed suits for declaration claiming themselves to be residents of Gobindpuri since birth and that property is in question were in their possession since their forefathers as

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proprietors of Village Gobindpuri. Initially suit land fell in Khasra No. 695 measuring 62 kanal 04 marlas as shown in jamabandi in the year 1955-1956 and was shown as Abadi deh. At the time of consolidation for the year 1960 new Khasra No. 326 was carved out in lieu of Khasra No. 695/4. Respondents-plaintiffs and other proprietors had raised constructions over land in their possession even before commencement of Punjab Village Common Lands Act in the year 1961. The land never vested in Gram Panchayat. In 1962 limits of Municipal Corporation, Yamuna Nagar were extended to cover Village Gobindpuri vide notification. The Municipal Corporation, Yamuna Nagar got mutation No. 905 entered and sanctioned in its favour and the suit land was mutated in the name of Municipal Corporation. In previous two rounds of litigation, respondent-plaintiffs were ordered to be ejected but in LPA liberty was granted to the respondent-plaintiffs to get their title decided in accordance with law and their dispossession was stayed for a period of six weeks for enabling them to seek the appropriate remedy, hence the suits. Suits were resisted by appellant-defendants by claiming that suit land is part of village pond earlier vested in Gram Panchayat and after the limits of Municipal Corporation, Yamuna Nagar were extended to cover Village Gobindpuri the suit land vests in Municipal Corporation and mutation has been sanctioned on the basis of notification issued by the appropriate government and appellant-defendants also filed counter claim claiming dispossession of the respondent-plaintiffs from suit land.



5. After trial, learned Civil Judge decreed the suit and dismissed the counter claim. The appeal filed by the appellant-defendant was also dismissed and now this second appeal has been filed.

6. I have heard learned counsel for the appellant(s) and gone through the record carefully.

7. The claim of the appellant-defendants is that earlier suit land was vesting in Gram Panchayat, Gobindpuri as it was part of village pond but appellant-defendants has failed to lead any evidence to prove that the suit land was ever part of village pond rather the learned First Appellate Court has categorically discussed all the entries as appeared in jamabandis of the year 1955-1956 upto 2003-2004 and initially the suit land being part of Khasra No. 695 min (62-4) is recorded as Gair Mumkin Abadi Deh in the column of ownership and cultivation and after conversion of land into Khasra No. 326 (61-1) after consolidation in jamabandi for the year 1962-1963 (Ex. P6), the same is recorded as Abadi deh against the column of ownership and cultivation. Same remained the position upto jamabandi for the year 1993-1994 (Ex.P-20) and in the jamabandi of the year 2003-2004 (Ex.P-21) for the first time Nagar Palika, Yamuna Nagar was recorded in the column of ownership whereas in the column of cultivation Abadi deh continued and nature of the land is recorded as Gair Mumkin Abadi. There is no material on record to prove that suit land was ever part of village pond or was used for common purpose.



8. The learned District Judge and Court below has rightly concluded that suit land would not vest in Gram Panchayat rather Abadi deh vests in the proprietors of the village as per their possession and respondent-plaintiffs have placed on record documents to prove their possession over suit property since the time of their forefathers. It is not disputed by the appellant-defendants that respondent-plaintiffs are in possession over the suit land.

9. The second limb of the claim of the appellant-defendants is that the mutation orders were passed on the basis of notification. Learned District Judge has rightly observed that no such notification has been proved on record. Even during the course of arguments opportunity was granted to the appellant-defendants to produce any such notification on the basis of which mutation has been sanctioned in favour of Municipal Corporation but failed. So, both the Courts below has rightly concluded that the suit land was part of Abadi deh and it was never part of Shamlat deh or had vested in Gram Panchayat and thereafter in Municipal Corporation. Mere sanctioning of mutation in favour of Municipal Corporation, Yamuna Nagar would not confer any title over Municipal Corporation when the appellant-defendants fail to prove the basis on which mutation has been sanctioned.

10. The Regular Second Appeals are found to be without merit. No substantial question of law arises. Therefore, all the four appeals are dismissed.

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11 Since the main appeals stand decided, the miscellaneous application(s), if any, stand disposed of accordingly.

12. A photocopy of this judgment be placed on the connected files for necessary compliance and for ready reference.

(VIRINDER AGGARWAL)
JUDGE

22.09.2025

P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No