



CR-5784-2025 (O&M)

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

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**CR-5784-2025 (O&M)
Decided on :- 15.09.2025**

Baba Shanti Dass

...Petitioner

VERSUS

District Collector/District Magistrate,
Ambala and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ankur Mehta, Advocate for the petitioner.

Mr. Narender Pal Bhardwaj, Advocate for respondent No.3.

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MANDEEP PANNU J.

1. This civil revision petition under Article 227 of the Constitution of India has been filed by the petitioner–plaintiff, challenging the concurrent orders passed by the Courts below: the order dated 12.04.2024 passed by the learned Civil Judge (Junior Division), Naraingarh, dismissing the petitioner’s application under Order XXXIX Rules 1 and 2 CPC for grant of ad interim injunction, and the judgment dated 31.07.2025 of the learned lower Appellate Court affirming the same in civil miscellaneous appeal

Brief Facts

2. The facts giving rise to the present revision petition are that the plaintiff instituted a suit for permanent injunction against the defendants with the averments that he has been performing the duties of Mahant at Markandeshwar Dham, Prachin Shri Maharishi Markandeshwar Temple near Markanda Bridge, Kala Amb, Hamidpur, Naraiingarh, District Ambala, for the last 28 to 29 years, succeeding his Guru Shri Sukhi Das, and before him Shri Purshotam Giri and Shri



Haridas Tyagi. It is alleged that religious activities are performed at the temple, and that the land measuring about 16 kanals has remained in possession of the Dera for more than 70 years. The plaintiff further claimed that the Gram Panchayat of village Kala Amb had passed a resolution in his favour, and that by virtue of long possession he has become owner of the property by way of adverse possession.

3. It was further pleaded that defendant no. 3 and his associates have intruded upon the Dera, pitched a tent and indulged in illegal activities, and have threatened to dispossess the plaintiff by force or by implicating him in false cases. The plaintiff stated that SDM Naraiangarh had conducted an enquiry and appointed officials to inspect the spot, but despite that, defendant no. 2, along with police officials, attempted to dispossess him. Notices were issued by defendant no. 2 requiring him to vacate, and reliance was placed upon certain administrative orders issued by defendant no. 1. On these allegations, the plaintiff sought a decree of permanent injunction and also moved an application under Order XXXIX Rules 1 and 2 CPC for interim stay.

4. Upon notice, defendants no. 1 and 2 filed their joint written statement and reply to the injunction application. It was stated that as per directions of the District Magistrate and in compliance of the order passed by this Court in CRWP No. 3492 of 2023, the SDM, Naraiangarh, and thereafter defendant no. 2, were appointed to maintain law and order at Markandeshwar Mandir, Kala Amb. By letter dated 26.03.2024, defendant no. 2 was appointed as Duty Magistrate for 10.04.2024 for removal of the plaintiff's possession from the temple land. It was submitted that the plaintiff has no right, title or interest in the suit land, and is



misusing the garb of being Mahant to claim ownership. Defendant no. 3 did not file any written statement.

5. The learned trial Court, after hearing counsel for the parties, dismissed the plaintiff's application for injunction vide order dated 12.04.2024. It was observed that the plaintiff had not approached the Court with clean hands, as he had earlier filed petitions before this Court which were withdrawn without producing documents in support of his claim. There was concealment of earlier proceedings. The trial Court further found that no revenue record or document had been produced to prove the plaintiff's ownership or possession, and that being a Mahant did not confer ownership rights. The Court concluded that no prima facie case was made out in his favour, that the balance of convenience lay against him, and that no irreparable loss was established.

6. The lower Appellate Court, vide judgment dated 31.07.2025 passed in civil miscellaneous appeal, upheld the order of the learned trial Court. It recorded that although the plaintiff may have been appointed as Mahant earlier, that by itself conferred no personal right in the property. The Appellate Court referred to the resolution dated 17.07.2021 produced by defendant no. 3, showing that charge of the temple had been handed over to the secretary, Bhim Sain Gera, and treasurer, Barkha Ram. It held that the plaintiff had ceased to be Mahant of the temple and that possession had been taken over by other persons. In these circumstances, the learned Appellate Court held that the plaintiff had failed to establish any prima facie right or possession over the suit property, and that he was not entitled to interim injunction.

7. Hence, the present revision petition by the petitioner/plaintiff.

**Submissions of learned counsel for the parties.**

8. Learned counsel for the petitioner argued that the Gram Panchayat had passed a resolution in his favour on 24.05.2023, that he has electricity connection and other identity proofs in his name, and that photographs show the temple under his supervision. It was submitted that he has been in long possession and has become owner by adverse possession, and therefore deserves interim protection against dispossession.

9. On the other hand, learned counsel for respondent No.3 supported the impugned orders, contending that the petitioner has not proved possession and has concealed material facts, and that he cannot claim ownership merely by virtue of being Mahant.

Findings

10. I have heard learned counsel for the parties and examined the record. The relief of temporary injunction under Order XXXIX Rules 1 and 2 CPC is discretionary in nature, to be exercised upon satisfaction of the three ingredients - prima facie case, balance of convenience and irreparable loss. Both the courts below, on appreciation of material before them, have concurrently held that the plaintiff failed to establish his possession over the suit property. The resolution relied upon by the petitioner has not been found sufficient to dislodge the resolution produced by the respondents showing that charge of the temple had already been handed over to other persons. The petitioner has not placed on record revenue records or other cogent material to show that he is in settled possession. In the absence of proof of possession, no prima facie case exists. Once that is so, the balance of convenience also cannot be said to lie in his favour, nor is there any



irreparable injury demonstrated, for the law is well settled that unless possession is prima facie proved, no injunction can be granted to protect it.

11. It is equally well settled that in revision under Article 227 of the Constitution, this Court does not sit as a Court of appeal to re-appreciate facts. The scope of interference with interlocutory and discretionary orders is extremely limited. Unless the findings of the courts below are shown to be perverse or suffering from gross illegality, revisional interference is not warranted. In the present case, the trial Court and the appellate Court have both exercised their discretion upon consideration of the pleadings and material before them, and there is no perversity or jurisdictional error apparent.

Conclusion

12. In view of the above, I find no ground to interfere in the concurrent findings of the courts below. The present civil revision petition is dismissed, accordingly.

13. Pending application(s), if any, also stand disposed of.

September 15, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No