



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

**Reserved on: August 20, 2025  
Pronounced on: August 22, 2025**

**(i) RSA No.1447 of 2002 (O&M)**

**Dharambir . . . . Appellant**

Vs.

**Municipal Corporation and another . . . . RESPONDENTS**

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**(ii) COCP No.840 of 2003 (O&M)**

**Dharambir . . . . Appellant**

Vs.

**Pushap Raj Singh and another . . . . RESPONDENTS**

\* \* \* \*

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Argued By:-** Mr. Rajesh Arora, Advocate for the appellants.  
Mr. Sudhir Hooda, Advocate for the respondents.

**DEEPAK GUPTA, J.**

The plaintiff has filed this appeal against concurrent findings of the Courts below. His civil suit seeking a decree of permanent injunction in respect of the suit property was dismissed by the Court of the Ld. Civil Judge (Junior Division), Faridabad on 18.12.2000, and the appeal was also dismissed by the Ld. District Judge, Faridabad on 17.01.2002.

2. The trial Court record has been examined. For clarity, the parties are referred to as per their status before the trial Court.

3. The plaintiff's case is that he is owner-in-possession of a residential house bearing Municipal No.176, Ward No.2, Bhim Sain Colony, Ballabgarh. According to him, the property originally measured 40' x 45', though at present its measurement is 8.53' x 5.56' meter. He claims that his

father acquired ownership by way of a *Salsi Faisla* (arbitral award) dated 21.05.1946 (Ex. P1) entered into with the then owner, and that after his father's death, he has continued in uninterrupted and hostile possession. The property was later included within municipal limits and has been assessed to house tax, which he has regularly paid. He further states that in October 1993, he submitted a building plan to the defendants, but when no sanction was received, he raised construction himself. He asserts that the defendants have no authority to interfere with his peaceful possession.

4. The defendants, in their written statement, denied plaintiff's locus standi and ownership. They alleged that the plaintiff had encroached upon their land measuring 70'-6" x 35'-6" in Bhim Sain Colony, Chandawli Gate, near Old Octroi Post, Ballabgarh, and had raised unauthorized construction. They disputed the boundaries given in the plaint and also denied knowledge of the *Salsi Faisla*. It was further pleaded that the plaintiff's building plan, submitted on 05.10.1993, had been rejected on 23.10.1993 (Ex. D8) upon verification by the Patwari, and that notice of demolition had been served.

5. The trial Court held that although the plaintiff was found to be in possession, it was unauthorized, and the defendants had already initiated proceedings under the Municipal Corporation Act. On this basis, the suit was dismissed. The First Appellate Court affirmed these findings.

6. Before this Court, learned counsel for the appellant argued that both Courts below erred in rejecting the claim for permanent injunction merely because the plaintiff failed to prove title, even though his possession was established and recognized in the judgments. It was urged that the *Salsi Faisla* of 1946 (Ex. P1), a document over 30 years old, confirmed the title of the plaintiff's father, and in any case, long settled possession entitled him to protection against unlawful interference. Reliance was placed upon ***Ram Daan (D) through LRs v. Urban Development Trust, (2014) 8 SCC 902***; and ***Mool Chand v. Udho Ram, 1994 (3) RRR 127***.

7. Per contra, learned counsel for the respondents contended that the plaintiff claimed ownership but failed to establish it, and being an unauthorized occupant, he was rightly denied relief.

8. Upon consideration, it emerges that the relief sought by the plaintiff was only a decree of permanent injunction. He did not claim a declaration of ownership. Thus, both Courts below fell into error by refusing injunction solely on the ground that the plaintiff failed to prove title.

9. The evidence shows that the plaintiff and before him his father have been in long, continuous possession since at least 1946. Several witnesses supported this claim. Defendants themselves admitted his possession, though they termed it unauthorized. The plaintiff relied on *Salsi Faisla* dated 21.05.1946 (Ex. P1), an arbitration decision between Al-Bani and the plaintiff's father, Indraj. This document, more than 30 years old, recorded that Indraj was given a plot measuring 40' x 45' at Chandawli Gate near Octroi Post without any price, and that neither Al-Bani nor his heirs would claim any right thereafter. The boundaries mentioned in Ex. P1 correspond to the site in dispute. This document required no registration, as it was not a transfer for consideration but a recorded settlement of pre-existing possession. Reliance can be placed on ***Mool Chand v. Udho Ram (supra)***.

10. On the other hand, the defendants failed to prove their own title. DW1, Prem Raj Singh, Assistant Engineer, admitted that no record existed to show that the administration owned the property. DW2, the Patwari, also conceded that there was no documentary evidence supporting the administration's claim. His testimony further disclosed that the property lay in the *Abadi* of Lal Dora, consolidation of which had taken place in 1939-40. Thus, there is no credible evidence that the defendant administration ever owned the property.

11. It follows that the plaintiff's possession, though denied as ownership by the Courts below, is well established and protected in law. Even assuming that ownership was not conclusively proved, settled possession can-

not be disturbed except by the true owner through due process. The principle in *Ram Daan's case (supra)* is directly applicable to the effect that a person in long and peaceful possession has a good title against all except the rightful owner, and even such owner must recover possession only in accordance with law.

12. In the present case, the defendants neither proved their title nor established lawful authority to dispossess the plaintiff. Consequently, their interference in plaintiff's possession is without any basis.

13. In view of the above, the judgments and decrees of the Courts below cannot stand. Both are hereby set aside. The present appeal is allowed. The suit of the plaintiff is decreed, restraining the defendants from interfering with his possession, or demolishing the construction on the suit property. Parties shall bear their own costs. Decree sheet be drawn accordingly.

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14. Vide order dated 04.07.2002 passed in RSA-1447-2002, this Court had directed the parties to maintain status quo regarding the property in dispute till further orders. The present petition was thereafter filed by the plaintiff-appellant alleging that, despite the said direction, the respondents had demolished a portion of the house situated on the suit property, thereby committing civil contempt within the meaning of Section 2(b) of the Contempt of Courts Act. The respondents, however, denied the allegation. During the course of arguments, learned counsel for the appellant-petitioner did not press the aforesaid COCP. Accordingly, the same stands disposed of as not pressed.

Photocopy of this order be placed on the connected case file.

**August 22, 2025**  
*Sarita*

**(DEEPAK GUPTA)**  
**JUDGE**

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