**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****220****RSA-2043-1999 (O&M)  
Date of Decision:17.07.2025****GURUDWARA MANAGING COMMITTEE**

. . . .APPELLANT

Vs.

**GRAM PANCHAYAT VILLAGE UMARPUR**

. . . . RESPONDENT

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

Present: Mr. P.S. Chahal, Advocate for  
Mr. G.S. Nagra, Advocate for the appellant.

Mr. Arun Takhi, Advocate for the respondent.

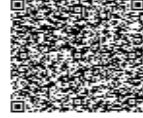
**DEEPAK GUPTA, J.**

Defendant of the case is before this court against the concurrent findings of the Courts below.

2. Learned counsel for both the sides have been heard at considerable length and paper book has been perused.

3. Gram Panchayat Village Umarpur (*respondent herein*) filed the suit seeking a decree of permanent injunction contending that suit property was reserved for common purposes, wherein a well was situated and the that same was being used for all the villagers for drinking purposes and washing of clothes. However, defendant-Gurudwara Managing Committee Village Umarpur (*appellant herein*) was threatening to encroach upon the same and change its nature by making permanent construction. In order to restrain the defendant from doing so, the relief of permanent injunction was sought.

4. Defendant-appellant opposed the suit. After framing necessary issues and taking evidence, the trial Court decreed the suit on 23.12.1995 and the First Appellate Court affirmed the findings on 08.02.1999, dismissing the appeal of the appellant-defendant.



5. Assailing the aforesaid concurrent findings, it is contended by learned counsel for the appellant that property in dispute is owned by Jumla Mushtarka Malkan and so does not vest in the Panchayat. It is also the contention that vide a resolution dated 14.06.1990 Ex.D1 proprietors of the Village had authorised the defendant-appellant to use the property.

6. This Court does not find merit in the contention.

7. As noticed by the First Appellate Court, suit property bears khasra No.26/3 and as per the revenue record, it is 'gair mumkin well'. As per the evidence on record, the property in dispute is being used for welfare of the inhabitants of the Village and so, some of the villagers by passing a resolution, could not confer any right in the suit property in favour of the defendant-appellant.

8. As such, this Court does not find any ground to disturb the well-reasoned concurrent findings of the facts as recorded by the Courts below, which are based upon the proper appreciation of the factual and legal position.

No merits. Dismissed.

**17.07.2025**

***Pry***

**(DEEPAK GUPTA)**

**JUDGE**

*Whether speaking/reasoned?* Yes

*Whether reportable?* Yes