



RSA-1153-1999(O&M)

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

RSA-1153-1999(O&M)

Date of decision:03.07.2025

Harbans Singh

..Appellant

Versus

Divisional Forest Officer, Garhshanker and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Nagar, Advocate
Ms. Vibha Nagar, Advocate for the appellant

Dr. D.S.Lamba, Addl. AG, Punjab

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of the First Appellate Court's judgment, which in turn, has reversed the trial court's judgment. The plaintiff filed a suit for the grant of decree of permanent injunction restraining the Divisional Forest Officer, Punjab from interfering in his possession over land measuring 60 kanals 6 marlas on the ground that he is cultivating the land as tenant for the last 15 years on payment of rent to the provincial Government. The defendants contested the case claiming that the defendants are in possession and the plaintiff applied for allotment of land which was declined. The trial court granted injunction, which was reversed by the First Appellate Court.



2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with scanned copy of the requisitioned record.

3. Learned counsel representing the appellant submits that the First Appellate Court has erred in reversing the judgment because the plaintiff has been regularly paying the rent to the Government. He submits that the plaintiff being in settled possession is required to be protected from forcible dispossession.

4. Per contra, learned State counsel submits that the disputed property is a protected forest and it is the Government which is in possession of the property.

5. A lease is created through a bilateral contract between the parties. For leasing out a Government land, the officials are required to adhere to the relevant statutory provisions. The appellant failed to plead and prove as to when the lease was created in his favour and what were the terms. The plaintiff filed the suit on the basis of entry in the revenue record, which carries presumption of correctness. However, such presumption is rebuttable. Moreover, it is not appropriate for the courts to protect possession of the trespassers while granting injunction against a true owner. Undisputedly, the property belongs to the Government. Mere production of certain receipts evidencing the payment of certain amount without referring to the particular land would not come to the rescue of the appellant. Moreover, the Court is required to ensure protection of the reserved forests. Hence, no ground to interfere is made out.



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6. Dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

03.07.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No