

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA-1258-2021

Date of Decision: 04.03.2025

JARNAIL SINGH

.....Appellant

Vs.

HARYANA STATE AGRICULTURAL MARKETING BOARD AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

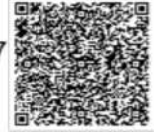
Present: Mr. Balbir Kumar Saini, Advocate
for the appellant.

DEEPAK GUPTA, J.

Plaintiff of the case has approached this Court against the concurrent findings of the Courts below.

2.1 Plaintiff filed the suit seeking decree of mandatory injunction with consequential relief of permanent injunction by pleading that in the year 2002, Adarsh Cooperative House Building Society Limited (Regd.), Raipur Rani, Panchkula had transferred a plot and shop in his name, on which he had constructed House No.628 in Adarsh Colony and since then he is residing therein with his family. Defendant-Market Committee, Raipur Rani, Panchkula had issued a false and frivolous notice dated 03.07.2015 alleging the plaintiff to be to in unauthorized possession of the Committee land and instructed him to remove the same. He filed the suit for declaration, but the same was dismissed by the Civil Court, Panchkula.

2.2 Plaintiff further pleaded that defendants were alleging that Government of Haryana had acquired the land for setting up the Mandi and that some portion of already existing houses was part of the acquired land, regarding which compensation had already been paid. Plaintiff contended that neither he was made aware about any compensation nor was disclosed about the area acquired by the defendants. Alleging that without paying

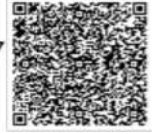


any compensation to him, defendant No.1 had started interfering in his possession and tried to demolish the wall, plaintiff brought the present suit.

3. Defendant contested the suit by pleading the same to be barred under Order II Rule 2 CPC, as the previous suit filed by the plaintiff had already been dismissed on 09.04.2014 and no appeal against the said judgment had been filed. Proceedings under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1972 had been initiated against the plaintiff regarding 1 marla of land belonging to the defendants and he had been ordered to be evicted therefrom. It was further contended that Government of Haryana had acquired the land for the purpose of development and utilization as Anaj Mandi in 2004. On demarcation by the Revenue Department, plaintiff was found to be in illegal occupation of the land to the extent of 1 marla comprised in Khasra No.11/15 of H.B. No.7, on which he had raised illegal construction. He was asked to remove the same by issuing numerous notices during 2007-2008, but he refused to do the same. Eviction order was passed against him by the ACIG and when the same was sought to be executed, plaintiff brought the suit titled *Jarnail Singh Vs. State of Haryana*, which was dismissed on 09.04.2014. Plaintiff was again asked several times to vacate the land, but instead of doing so, he filed the present suit. It was further pleaded that neither claim for any compensation was maintainable before the Civil Court nor any compensation was payable to him.

4. Necessary issues were framed. Evidence produced by the parties was taken on record. The trial Court dismissed the suit on 20.04.2017 and the Appellate Court upheld the findings.

5. It is contended by learned counsel for the appellant that Courts below have wrongly held the suit to be barred under Order II Rule 2 CPC inasmuch as the earlier suit was for decree of permanent injunction, whereas the subsequent suit was filed for disclosing the compensation amount deposited by the defendants, as the stand was taken by the



defendants that they had acquired the land, out of which 1 marla land belonged to the plaintiff.

6. After perusing the entire paper book, this Court does not find any merit in the contention. As has been observed by the Courts below that though the appellant-plaintiff took the stand that he had been allotted the land by Adarsh Cooperative House Building Society Limited, but plaintiff failed to prove any such allotment. He did not produce any document whatsoever to prove his title to the suit property.

7. Before this Court also, learned counsel for the appellant-plaintiff fairly conceded that neither any allotment letter in favour of the plaintiff was proved on record nor any official from the Adarsh Cooperative House Building Society Limited was examined so as to prove any allotment in favour of the plaintiff.

8. As per the stand of the defendants, it is the land of Adarsh Cooperative House Building Society Limited, which had been acquired and they had been paid the compensation. The appellant-plaintiff failed to prove any allotment in his favour; or that the illegal encroached portion belonged to him at any point of time.

9. On account of aforesaid discussion, this Court does not find any ground to disturb the well-reasoned concurrent findings of facts as recorded by the Courts below. There is neither any illegality nor perversity in appreciating the evidence on record. As such, holding the present appeal to be devoid of any merit, the same is hereby dismissed.

04.03.2025

Pry

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No