

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
MISC APPLICATION IN DISPOSED OF CASES NO. 79 OF 2025
IN
ORIGINAL APPLICATION NO. 785 OF 2024**

IN THE MATTER OF: -

MR. JATINDER KUMAR CHABBA

....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

...RESPONDENTS

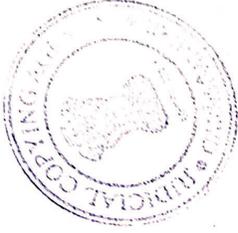
ADDITIONAL DOCUMENTS.

ADVOCATES FOR RESPONDENT NO. 5

SHIVAM PRASHAR & ANKIT DHIMAN

IN THE COURT OF GURSHER SINGH, (UID No.PB0380)
 ADDITIONAL CIVIL JUDGE (SENIOR DIVISION),
 GARHSHANKAR

C - 12738
 R - 364



Filing No.140 of 2018

CIS No.405-2018

Date of Institution: 16.08.2018

CNR no. PBH0B0-000638-2018

Date of Decision: 30.01.2024

Sri Guru Ravi Dass Ithasik Dharamasthan Charanshoh Ganga Amritkund,
 Khuralgarh Sahib, Khurali, Tehsil Garhshankar, District Hoshiarpur
 through Surinder Kumar, President of the Committee son of Jaimal Ram
 resident of village Khuralgarh Sahib, Tehsil Garhshankar at present
 Shimla Colony, Kailash Nagar, Bajra, Ludhiana.

.....Plaintiff

Versus

1. Vijay Chabba,
2. Naresh Chabba sons of Rattan Chand resident of near Shri Guru Ravi Dass Mandir, Santokhgarh, Tehsil Haroli, District Una (HP).
 Defendant No.2 Naresh Chabba through his attorney Naresh Chabba defendant No.1.

.....Defendants

Suit for permanent injunction restraining the defendants either themselves or through anybody else from interfering into the lawful and peaceful possession of the plaintiff as owner in land measuring

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306 kanals 8 marlas bearing khata No.505/683, khasra Nos.279 (56-10), 280 (72-17), 307 (92-8), 308 (84-13) as per jamabandi for the year 2013-14 situated in the area of village Sri Khuralgarh Sahib, Tehsil Garhshankar, illegally and forcibly and defendants be restrained from doing so in future.

Present : Sh. Shashi Kumar Advocate counsel for plaintiff.
Sh. SK Dod Advocate counsel for defendant No.1.
Suit against defendant No.2 dismissed as withdrawn.

JUDGMENT

1. The plaintiff has filed instant suit, seeking injunction to restrain the defendants from interfering in the claimed lawful and peaceful possession of the plaintiff over the land, as is detailed in the headnote of the plaint. It is claimed that plaintiff is owner in possession of land measuring 306 kanals 8 marlas, bearing Khasra numbers detailed in the headnote of the plaint, which fact is also stated to be depicted in fard Jamabandi for the year 2013-2014. The defendants are stated to be strangers, having no right, title or interest in the suit property. However, their land is stated to adjoin the land of the plaintiff. It is alleged that the defendants are headstrong and shrewd persons, who have begun threatening the plaintiff through its president to interfere in the lawful and peaceful possession over the suit property. Said threats are alleged to have been issued in the garb of demarcation of their property, illegally and forcibly. The defendants are claimed to have been asked on several occasions to admit the claim of the plaintiff and not hurl threats, to which

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the defendants are alleged to have paid no heed, necessitating the filing of the suit at hand.

2. The defendant No.1 filed written statement, questioning the maintainability of the suit. It is alleged that the plaintiff has not come before court with clean hands and is alleged to be guilty of suppressing material facts. It is submitted that Jatinder Kumar Chabba, the brother of defendant No.1 is owner of land bearing Khasra No.220/6, situated in village Mehandpur, Tehsil Anandpur Sahib, District Ropar, which is stated to adjoin the suit property. It is alleged that Surinder Kumar and Satinderjeet Singh Heera, under the garb of the suit land, interfere in the land owned by the brother of defendant No.1. In this respect in the year 2011, the brother of defendant No.1 is stated to have applied to the Deputy Commissioner, Ropar for demarcation of his land situated in the area of village Mehandpur. The Deputy Commissioner is stated to have asked the brother of defendant No.1 to meet the Deputy Commissioner of Hoshiarpur, as though the property of the brother of defendant No.1 was situated in the village aforementioned, falling in district Ropar, the land in dispute is stated to be located at village Khurali, District Hoshiarpur. It is contended that the boundary line of villages Mehandpur and Khurali adjoin each other. Surinder Kumar, claiming himself to be the president of the plaintiff and Satinderjeet Singh Heera are alleged to interfere in the land owned by Jatinder Chabba. It is contended that whenever the brother of the answering defendant asked these persons not to interfere in his land and also requested them to get their land demarcated, they are

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alleged to have avoided doing so, on one pretext or the other. The brother of the defendant is stated to have moved applications to authorities for demarcation his land. It is contended that since both the villages are situated in the area of Shivalik Hills, the revenue officials asked the brother of the defendant No.1 to take the help of GPS measuring through a private firm, A1 Associates Private Limited. The brother of the defendant No.1 is stated to have paid a sum of Rs.40,000 as charges to the aforementioned firm, in order to get the measurement effected through satellite system. Even the Deputy Commissioner of Roopnagar is stated to have written a letter to Deputy Commissioner of Hoshiarpur. It is contended that when A1 Associates Private Limited started affecting measurement on 04/02/2016, said Surinder Kumar and Satinderjeet Singh Heera came to the spot and threatened the officials of the firm to take away their articles. It is claimed that when A1 Associates Private Limited affected the measurement, the plaintiff was found to be in illegal possession over land of the brother of defendant No.1. A copy of letter No.374 dated 02/02/2016, 4/6 dated 05/01/2016, letter No.11 dated 09/01/2017, letter No.47, 48 dated 09/02/2017, letter No.396 dated 08/03/2018 and report No.312 dated 26/03/2018 have been placed on record. It is alleged that Surinder Kumar and Satinderjeet Singh Heera are well aware of the fact that they are in illegal possession of the land of Jatinder Kumar Chabba. It is contended that under the garb of plaintiff being a religious institution, they are allegedly interfering in the land owned by Jatinder Kumar Chabba. Admitting that the plaintiff has right

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to protect its property, the defendant contends that in similar manner, the plaintiff or its representative has no right to interfere in the land of Jatinder Kumar Chabba. The defendant No.1 himself contends to not own any land near the land of the plaintiff and rather states that he is a power of attorney holder from Jatinder Kumar Chabba, who happens to be his brother and whose land adjoins the suit property. It is averred that before getting a decree, the plaintiff is required to establish the boundary of its land by getting the same demarcated. Surinder Kumar is stated to have no locus standi to be the president of the plaintiff. It is alleged that Surinder Kumar and Satinderjeet Singh Heera are using the plaintiff institution for their own personal benefit. The resolution dated 21/07/2018, propounded by the plaintiff has been labelled as false. The plaintiff is stated to have not placed on record fard jamabandi pertaining to Khasra No.703, in order to show its ownership. Refuting the alleged threats, dismissal of the suit has been prayed for.

3. The plaintiff filed replication to the written statement of the defendant No.1, reiterating its stance and refuting the contentions of the defendant.

4. From the pleadings of the parties following issues are framed :-

1. Whether plaintiff is entitled to permanent injunction, as prayed for? OPP
2. Whether plaintiff has no locus standi to file the suit?
OPD

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3. Whether suit of plaintiff is not maintainable? OPD
4. Whether plaintiff is estopped from filing the suit by his own acts, conduct and admission? OPD
5. Whether plaintiff has not come to the court with clean hands? OPD
6. Relief.

5. In order to prove his case, plaintiff examined Surinder Kumar as PW1. Thereafter, ld. counsel for plaintiff closed the evidence vide separate statement.

6. To rebut the evidence of plaintiff, defendant examined Vijay Chabba as DW1, Rakesh Kapoor as DW2. Thereafter, ld. counsel for defendant closed the evidence vide separate statement.

7. I have heard learned counsels for the parties. My findings on above issues are as under :-

ISSUE No.1 :-

8. The onus to prove this issue was upon the plaintiff. Ld. Counsels for both the parties have briefly reiterated the facts of the suit at hand and referred to evidence, both oral and documentary. Apparently, the plaintiff seeks that the defendants be restrained from interfering in the lawful and peaceful claimed possession of the plaintiff over land, as is detailed in the headnote of the plaint. The plaintiff claims to be owner of the suit property, in which the defendants are stated to have no right, being strangers thereto. However, it is brought on record by the plaintiffs themselves that the defendants have their land adjoining that of the

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plaintiff. The primary contention of the plaintiffs is that the defendants allegedly began threatening the plaintiff that they would interfere in the lawful and peaceful possession of the plaintiff over the suit land, in the garb of demarcation of their property.

9. The defendants on their part however contest the claim of the plaintiff about any threat emanating from them, as is alleged by the plaintiff. It is rather not disputed that the suit property is the ownership of the plaintiff. However, the adjoining property comprised in Khasra No.220/6, situated at village Mehandpur is stated to be the ownership of defendant No.2, which is being looked after by the defendant No.1. It is averred by the defendants that their property and the property of the plaintiff, which adjoins each other, is however situated in two different districts. The property of the plaintiff is stated to be situated in district Hoshiarpur, whereas the property of the defendants is claimed to be located in district Roopnagar. Alleging wrongdoing on the part of the plaintiff, the defendants contend that it is the plaintiff who has encroached upon some part of the property of the defendants. In order to clarify the factual situation at the spot, the defendants claim demarcation process of the land to have been put in motion, which however is alleged to have been stalled by the plaintiff, in order to deny the defendants their right to their property, allegedly encroached upon by the plaintiff.

10. In the backdrop of the aforementioned facts and circumstances, the parties were called upon to lead evidence. On behalf of the plaintiff, Surinder Kumar stepped into witness box as PW1 and

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tendered into evidence his duly sworn affidavit exhibit PW1/A. In his affidavit, the witness contends that he is president of the committee constituted for looking after the affairs of the plaintiff, being duly authorised to depose in that behalf. All the averments and allegations against the defendants have been reiterated in his deposition in chief. As was not otherwise disputed, even during cross examination, the witness of the plaintiff admitted the adjoining land to belong to defendant No.2. The witness admitted during the course of his cross examination that the defendants claim part of land in possession of plaintiff to be their ownership. However, it is asserted by the witness that the claimed portion is their ownership and not that of the defendants. The witness does however admit that they have never got the said portion demarcated in presence of the defendants. The suggestions put to the witness by the defendants were also to the effect that the plaintiff has allegedly encroached upon some portion of the property of the defendants.

11. As against the evidence aforementioned, brought on record by the plaintiff, defendant No.1 himself stepped into witness box as DW1 and tendered into evidence his duly sworn affidavit exhibit DW1/B, wherein too he asserted his contentions in consonance with the written pleadings. It is pertinent to note that when cross-examined, the defendant No.1 admitted that he is aware of the fact that the property comprised in the Khasra numbers, which are subject matter of the suit at hand, is the ownership of the plaintiff. He admits that they have no interest in the suit property and rather, they do not own any property within the precincts of

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the village, in which the property of the plaintiff is located. When questioned as to whether they have possession over any part of the suit property, the defendant answered in the negative. He however did aver that the representatives of the plaintiff do interfere in their property. It is admitted by the witness that the defendants have no right to interfere in the land owned by the plaintiff, though he qualified his submission aforementioned with the primary contention of the defendants that under the garb of the suit at hand, the representatives of the plaintiffs intend to interfere in the land of defendant No.2.

12. Hence, as is apparently clear from the evidence brought on record by the parties as well as the facts and circumstances discussed hereinbefore, the property comprised in Khasra numbers, which are the subject matter of the suit at hand, is the ownership of the plaintiff and in their possession, with which the defendants have no concern. No doubt, it is an admitted fact that the defendants too have their property adjoining the property of the plaintiff, with which, the plaintiff has no concern. The plaintiff seeks vide suit at hand to restrain the defendants from interfering in their lawful and peaceful possession over the suit property. In light of the fact that the defendants have no concern with the property of the plaintiff and do not claim any right therein or possession over any part thereof and in light of the apprehension expressed by the plaintiff, the defendants need to be restrained from issuing any threat or interfering in the suit property. However, it would be equally pertinent to add that any observation made during the course of instant judgment should not be

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construed as fettering the right of the defendants to follow due process of law in order to seek possession over any land, which they could prove to be their ownership and in possession of the plaintiff. Also, the right of the defendants to get their property demarcated shall also not be considered to be hindered vide any observation made herein. Issue No.1 is decided in favour of the plaintiff and against the defendants.

ISSUES No.2 TO 5 :-

13. The onus to prove these issues was upon the defendants. However, neither was these issues pressed during the course of arguments nor any evidence was led on the same. In the absence of any cogent evidence or argument, these issues are decided against the defendants and disposed of accordingly.

RELIEF :-

14. In light of the discussion hereinbefore, the suit of the plaintiff succeeds and is hereby decreed, with no order as to costs, to the effect that the defendants are hereby restrained from interfering in the suit property. Decree sheet be prepared. File be consigned to record room.

Pronounced:
Date of order : 30.01.2024
Sunita Chauhan/Stenographer Gr.II

(Signature)
(Gursher Singh)
Addl.Civil Judge(Senior.Division),
Garhshankar (UID No.PB0380)



Examined by
Kipaulay
Examined
Authorised by Section 76 of
the Indian Evidence Act, 1872

22 JAN 2026

1. No. of Pages: 318
2. Date of Filing: 20-1-26
3. Name of Plaintiff: Sh. Shashi Kumar Adv.
4. Date of Filing: 22-1-26
5. Date of Decree: 20
6. Upr.
7. Name of Court: 100
8. Name of Judge: Anu
9. Court Fee: do
10. Date of Decree: 28/1/26
Kipaulay

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IN THE COURT OF GURSHER SINGH, (UID No.PB0380)
 ADDITIONAL CIVIL JUDGE (SENIOR DIVISION),
 GARHSHANKAR
DECREE SHEET

C - 12738

R - 364

Filing No.140 of 2018

CIS No.405-2018

Date of Institution: 16.08.2018

CNR no. PBH0B0-000638-2018

Date of Decision: 30.01.2024



Sri Guru Ravi Dass Ithasik Dharamasthan Charanshoh Ganga
 Amritkund, Khuralgarh Sahib, Khurali, Tehsil Garhshankar,
 District Hoshiarpur through Surinder Kumar, President of the
 Committee son of Jaimal Ram resident of village Khuralgarh
 Sahib, Tehsil Garhshankar at present Shimla Colony, Kailash
 Nagar, Bajra, Ludhiana.

.....Plaintiff

Versus

1. Vijay Chabba,
2. Naresh Chabba sons of Rattan Chand resident of near Shri
 Guru Ravi Dass Mandir, Santokhgarh, Tehsil Haroli, District
 Una (HP). Defendant No.2 Naresh Chabba through his attorney
 Naresh Chabba defendant No.1.

.....Defendants

ATTESTED

Suit for permanent injunction restraining the defendants either themselves or through anybody else from interfering into the lawful and peaceful possession of the plaintiff as owner in land measuring 306 kanals 8 marlas bearing khata No.505/683, khasra Nos.279 (56-10), 280 (72-17), 307 (92-8), 308 (84-13) as per jamabandi for the year 2013-14 situated in the area of village Sri Khuralgarh Sahib, Tehsil Garhshankar, illegally and forcibly and defendants be restrained from doing so in future.

Value of the suit for the purpose of court fee ₹50/- and for the purpose of jurisdiction ₹500/-.

This suit coming on this 30th day of January 2024 for final disposal before me (Gursher Singh), Addl. Civil Judge (Sr. Division), Garshankar.

In the presence of Sh.Shashi Kumar Adv., counsel for plaintiff and Sh.S.K.Dod Adv., counsel for defendant No.1 and Suit against defendant No.2 dismissed as withdrawn. It is

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ordered that the the suit of the plaintiff succeeds and is hereby decreed, with no order as to costs, to the effect that the defendants are hereby restrained from interfering in the suit property.

COSTS OF THE SUIT

Sr. No.		Plaintiff	Defendants.
1	Stamp for plaint	₹ 50/-	---
2.	Stamp for powers	₹ 10/-	₹ 10/-
3.	Stamp for exhibits	---	---
4.	Pleaders' fees	₹1500/-	₹1500/-
5.	Process Fees	₹50/-	---
6.	Subsistence of witnesses	---	₹400/-
7.	Misc.	₹ 20/-	₹ 10/-
	Total	₹ 1,630/-	₹ 1,920/-

Given under my hand and the seal of the court this

the 30th day of January, 2024.



(Signature)
 (Gursher Singh)
 Addl. Civil Judge (Sr. Division)
 Garshankar
 UID No. PB0380

Examined by
Kipaulav
 Authorised by Section 76 of the Indian Evidence Act, 1872
 22 JAN 2026

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