



**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

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**PLACE: NEW DELHI**

**DATE: 14.01.2026**

**FILED BY**

*Ankit Dhiman*

**SHIVAM PRASHAR/ANKIT DHIMAN  
ADVOCATE FOR RESPONDENT NO.5  
279-B, TF, SANT NAGAR, EAST OF KAILASH  
NEW DELHI-110065  
8894474098, 8627859990**



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3. The Applicant has approached this Hon'ble Tribunal only after failing to obtain relief before the Civil Courts, thereby abusing the benevolent jurisdiction of this Hon'ble Tribunal for oblique purposes.

**B. HISTORICAL, SPIRITUAL AND CULTURAL SIGNIFICANCE OF RESPONDENT NO.5.**

1. Respondent No.5 is a historical Dharamsthan of exceptional religious and cultural significance, known as *Shri Guru Ravi Dass Ithasik Dharamsathan, Charanshoh, Ganga Amritkund, Khuralgarh Sahib*. It is not a newly established structure or a commercial religious complex, but a living spiritual heritage site.
2. That the deponent further brings to the notice of this Hon'ble Tribunal that the Gurudwara namely *Shri Guru Ravi Dass Ithasik Dharamsathan, Charan Choh, Ganga Amritkund, Khuralgarh Sahib* is a historical religious shrine of the Adhidharma Samaj. As per long-standing religious belief and tradition, ***Satguru Ravidas Ji Maharaj stayed at this sacred place for more than four years and blessed the Sangat with Namdan.*** The said Gurudwara Sahib is a major centre of faith where religious and spiritual congregations are regularly held, and occasions such as the birth anniversaries of the Gurus, *Massya, Punia, Sangrand, Jetha Sunday* and other religious observances are celebrated with deep devotion. Devotees (Sangat) visit the Gurudwara Sahib in large numbers on such occasions as well as throughout the year to pay obeisance, making it a continuously visited and living place of worship and spiritual significance.

3. The *Charan Choh* (sacred footprints) and *Amritkund* are revered by devotees as physical manifestations of the Guru's spiritual presence. For centuries, followers have visited this place for prayer, meditation, community service and spiritual upliftment.
4. The Dharamsthan has been continuously managed as a **non-commercial, non-profit religious institution**, sustained only by voluntary offerings of devotees. Its existence predates the present disputes by decades and generations.
5. The land comprising **Khasra Nos. 279, 280, 307 and 308/2**, situated at Village Khuralgarh Sahib (Khurali), Tehsil Garhshankar, District Hoshiarpur, forms an inseparable part of this sacred site and stands recorded in the ownership and possession of Respondent No.5 as per revenue records.

**C. OWNERSHIP OF THE SUBJECT LAND AND BRIEF HISTORY OF DISPUTE BETWEEN THE ANSWERING RESPONDENT AND THE APPLICANT AND HIS BROTHER.**

1. That dispute relating to the subject land comprising **Khasra Nos. 279, 280, 307 and 308/2** have been the subject matter of *multiple civil proceedings* between the parties. The answering Respondent had instituted **Civil Suit No. 405 of 2018** seeking protection of its lawful possession against interference by the brothers of the Applicant.
2. In **Civil Suit No. 405 of 2018**, the Applicant's brother filed their Written Statement raising claims and objections in respect of the same land. Upon adjudication, the *Civil Court decided the suit*

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*in favour of the answering Respondent*, affirming its lawful possession and rejecting the claims of the brother – Vijay Chabba and Naresh Chabba – brother of the Applicant.

3. It is noteworthy to submit here that independently, the **Applicant himself instituted Civil Suit No. 18 of 2019** in respect of the very same subject land against the answering Respondent. The said civil suit was *dismissed by the competent Civil Court* on 10.08.2023. Significantly, the dismissal of Civil Suit No. 18 of 2019 occurred approximately one month prior to the Applicant addressing the present letter petition to this Hon'ble Tribunal, clearly indicating that the present proceedings are a *direct sequel to the failure of civil remedies* and not founded upon any independent or bona fide environmental grievance.

**Details of the Civil Suits are as under: -**

**ANNEXURE R5-1:** Copy of Written Statement filed by the brother of Applicant who in Civil Suit No. 405 of 2018, before the Court of Additional Civil Judge (Senior Division) at Garhshankar.

**ANNEXURE R5-2:** Copy of the Judgement passed in Civil Suit No. 18 of 2019, titled as Jatinder Kumar Chabba vs Shri Guru Ravi Dass Itehasik Dharamsathan, decided by Ld. Court of Additional Civil Judge, Nangal, District Rupnagar, Punjab

**ANNEXURE R5-3:** Copy of the judgment passed in Civil Suit No. 405 of 2018, before the Court of Additional Civil Judge (Senior Division) at Garhshankar.

**D. LACK OF LOCUS STANDI AND ABUSE OF PROCESS BY PROXY LITIGATION.**

1. That this Hon'ble Tribunal in a catena of judgments has equated the proceedings before this Hon'ble Tribunal to that in the nature of a Public-Interest Litigation. In **S.P. Gupta v. Union of India, (1981 Supp. SCC 87)** the Apex Court had pointed out that the relaxation of the rule of locus standi in the field of PIL does not give any right to a busybody or meddlesome interloper to approach the court under the guise of a public interest litigant. The following was also held by the Hon'ble Court:

*“...But we must be careful to see that the member of the public, who approaches the court in cases of this kind, is acting bona fide and not for personal gain or private profit or political motivation or other oblique consideration. The court must not allow its process to 351 9 be abused by politicians and others to delay legitimate administrative action or to gain a political objective...”*

2. That the foregoing principle has also been echoed by the Hon'ble Supreme Court In **Ashok Kumar Pandey v. State of W.B., (2004) 3 SCC 349**

*15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. ( See State of Maharashtra v. Prabhu [(1994) 2 SCC 481: No litigant has a right to unlimited draught on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. [See Kota Subbarao (Dr) v. K. Parasaran [(1996) 5 SCC 530]. Today people rush to courts to file cases in profusion under this attractive name*

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*of public interest. They must inspire confidence in courts and among the public.*

.....

**26.** *In Subhash Kumar v. State of Bihar [(1991) 1 SCC 598] it was observed as follows :*

*“Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32 are entertained, it would amount to abuse of process of the court, preventing speedy remedy to other genuine petitioners from this Court. Personal interest cannot be enforced through the process of this Court under Article 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Article 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is the duty of this Court to discourage such petitions and to ensure that the course of justice is not obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation.”*

**27.** *In the words of Bhagwati, J. (as he then was) “the courts must be careful in entertaining public interest litigations” or in the words of Sarkaria, J. “the applications of the busybodies should be rejected at the threshold itself” and as Krishna Iyer, J. has pointed out, “the doors of the courts should not be ajar for such vexatious litigants”.*

*[Emphasis Supplied]*

3. The Hon'ble Supreme Court in Apex Court in Holicow Pictures Pvt. Ltd. vs Prem Chandra Mishra & Ors., 2007 (14) SCC 281 held that

*“...The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the Executive and the Legislature. The Court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of Pro Bono Publico, though they have no interest of the public or even of their own to protect...”*

4. That the OA filed by the Applicant herein is a textbook example of what the Apex Court and this Hon'ble Tribunal has consistently discouraged: *proxy litigation driven by rivalry, devoid of any genuine environmental grievance or affected party status.*

**E. THE APPLICANT HAS NOT APPROACHED THIS HON'BLE TRIBUNAL WITH CLEAN HANDS AND HAS MISUSED THE JURISDICTION OF THIS HON'BLE TRIBUNAL.**

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1. That it is respectfully submitted that the Applicant has not approached this Hon'ble Tribunal with clean hands and has deliberately suppressed material facts crucial to the maintainability and integrity of the present proceedings, now established through documents placed on record, that the Applicant is not a neutral or disinterested individual concerned with environmental welfare.

**F. FINDINGS OF AUTHORITIES – NO ILLEGAL TREE CUTTING.**

1. Without prejudice to the above submissions, it is respectfully submitted that pursuant to the order dated 07.08.2024, a Joint Committee comprising the District Administration, Forest Department and Punjab Pollution Control Board inspected the site.
2. The Committee categorically recorded that no illegal cutting of trees was found at the site and that no stumps or roots of allegedly felled trees were observed. These findings demolish the very foundation of the Applicant's allegations.
3. The Forest Department's report also records the historical nature of the site and acknowledges the long-standing existence and use of the land by the Dharamsthan.

**G. ENVIRONMENTAL ETHOS AND REGULAR PLANTATION DRIVES.**

1. Respondent No. 5 respectfully submits that the Dharamsthan has, since its inception, regarded nature as sacred and

inseparable from spiritual life, in consonance with the teachings of Sant Shiromani Guru Ravidas Ji, which emphasise coexistence, balance and harmony between human life and the natural environment.

2. In furtherance of this ethos, the Dharamsthan has consistently and consciously undertaken plantation activities, including the nurturing of saplings, protection of existing trees and preservation of green cover within and around the premises. These efforts are not sporadic, but form part of the regular functioning and upkeep of the religious institution.
3. The plantation drives undertaken at the Dharamsthan are *community-led, voluntary and ongoing*, with active participation of the Sangat and local volunteers. Photographs evidencing such plantation and maintenance activities are being placed on record as **Annexure R-5/4**.
4. It is categorically stated that at no point has Respondent No. 5 indulged in any indiscriminate felling of trees or degradation of the natural surroundings. On the contrary, the overall green character and ecological balance of the area have been *consciously preserved and enhanced over time*.


#### **H. PRAYER**

In view of the facts, circumstances and submissions made hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to take the reply on record, hold that no illegal cutting of trees or environmental damage has been caused by Respondent No. 5, and decline to issue any adverse directions

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against the answering Respondent, and pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

**PLACE: NEW DELHI****DATE: 14.01.2026****FILED BY***Ankit Dhiman*

  
**SHIVAM PRASHAR/ANKIT DHIMAN**  
**ADVOCATE FOR RESPONDENT NO.5**  
**279-B, TF, SANT NAGAR, EAST OF KAILASH**  
**NEW DELHI-110065**  
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**IN THE MATTER OF: -**

MR. JATINDER KUMAR CHABBA .....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS .....RESPONDENTS

**AFFIDAVIT**

I, Sant Surender Das, C/o Jamal Ram aged about 66 years, resident of Village Khuralgarh Sahib (Khurali), Tehsil Garhshankar, District Hoshiarpur, Punjab, being the authorised representative of Shri Guru Ravi Dass Ithasik Dharamsathan, Charan Choh, Ganga Amritkund, Khuralgarh Sahib, Respondent No. 5, do hereby solemnly affirm and state as under:

1. That I am the authorised representative of Respondent No. 5 and am fully conversant with the facts and records of the present matter. I am competent to swear this supporting affidavit.
2. That I have carefully read and understood the Reply Affidavit filed on behalf of Respondent No. 5 in the above-captioned matter and state that the contents thereof are true and correct to my knowledge and belief, derived from records maintained by the Dharamsathan and legal advice received.
3. That the documents annexed along with the Reply Affidavit are true copies of their respective originals.

*Sant Surender, Kumer.*



- 4. That no material fact has been concealed and no false statement has been made to this Hon'ble Tribunal.

DEPONENT  
*Sant Suneinder Kumar,*

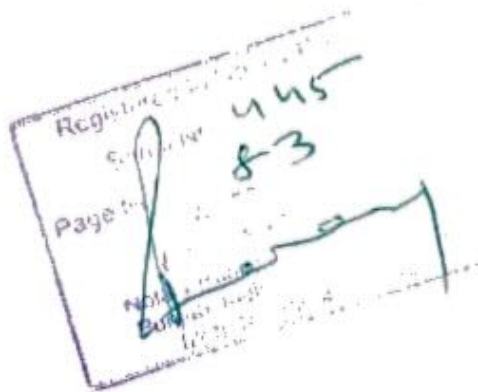
**VERIFICATION**

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 4 are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Verified at \_\_\_\_\_ on this \_\_\_ day of January, 2026.

*Sant Suneinder Kumar,*  
 DEPONENT

*Ram Nath Roy*  
 Advocate



16 JAN 2026

In the Court of Additional Civil Judge (Senior Division) at Garhshankar  
In Case:-

**Sri. Guru Ravi Dass Itihasik Dharamsthan Vs. Vijay Chabba**

**Suit for Permanent Injunction**

**Written Statement on behalf of the Defendant no. 1**

Sir,

The Defendant no. 1 respectfully submits as under:-

**Preliminary Objection**

1. That the suit is not maintainable in the present form.
2. That the Plaintiff has not come to the court with clean hands and is guilty of suppressing the true and material facts from this Honorable Court. Hence Plaintiff is not entitled to any relief.
3. That the Plaintiff is estopped from filing this suit by his act, conduct, admission, acquiescence and feeding estopple.
4. That the suit of the plaintiff is not within time.
5. 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 and that land adjoin with the suit land. Surinder Kumar and Satinderjeet Singh Heera under the garb of suit land interfere in the land owned by the brother of defendant no.1 and in the year 2011 the brother of defendant no.1 applied to the deputy commissioner Roopnagar for demarcation of his land situated in the area of Village Mehandpur and the deputy commissioner asked the brother of defendant no.1 to also met the Deputy Commissioner of Hoshiarpur as the land owned by brother of defendant no.1 is situated in Village Mehandpur Tehsil Anandpur Sahib District Ropar and the land in dispute is situated in Village Khurall Tehsil Garhshankar District Hoshiarpur. The boundary line of both the

ATTESTED

Villages Mehandpur and Khurali adjoin with each other and Surinder Kumar the alleged president of plaintiff and Satinderjeet Singh Heera interfere in the land owned by Jatinder Chabba situated in the area of Village Mehandpur and whenever the brother of defendant no.1 asked these persons not to enter in his land and also requested them to get their land demarcated then they avoided on one pretext or the other then the brother of answering defendant moved an application to different authorities for demarcation of his land. As both the Villages are situated on Shivalik Hills area so the revenue officials asked the brother of defendant no.1 to take the help of the GPS/ Total through one private firm A one associated Pvt. Ltd. and the brother of defendant no.1 paid a sum of Rs. 40,000/- as their charges to get effected the measurement through satellite system even the Deputy Commissioner Roopnagar wrote letter to Deputy Commissioner Hoshiarpur, when A one Associate Pvt. Ltd. started effecting measurement on 04-02-2016, Surinder Kumar and Satinderjeet Singh Heera came at the spot and threatened the officials of that firm to take away their articles as when A one associates Pvt. Ltd. affected the measurement then the plaintiff was found to be in illegal possession over the land of brother of defendant no.1. The photostate 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 are attached herewith. 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 and under the garb of plaintiff i.e. religious institution, they are interfering in the land owned by Jatinder Kumar Chabba by this way or that way and this suit is also result of their guilty mind. Hence they are not entitled to any relief. The plaintiff has a right to protect its property but on the same way the plaintiff or its representative have no right to

ddl. Civil Judge Sub. Divn  
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interfere in the land of Jatinder Kumar Chabba. The defendant no.1 do not owned any land near the land of plaintiff rather he works as General Power of Attorney of Jatinder Kumar Chabba his brother whose land adjoined with the suit land. The plaintiff before getting the decree of the suit land have to establish the boundary of its land by getting it demarcated.

6. That Surinder Kumar has no locus -standi to file suit on behalf of Sh. Guru Ravidass Itihasik Dharamsthan.

#### On Merits

1. This para is absolutely wrong and denied. Surinder Kumar is not admitted to be the president of plaintiff nor he has any locus-standi to file this suit on behalf of the plaintiff. Surinder Kumar and Satinderjet Singh Heera for their own personal benefit uses the plaintiff institution and wants to interfere in the land of Jatinder Kumar Chabba the brother of the answering defendant. The alleged resolution dated 21-07-2018 is a false. Surinder Kumar is not admitted to be the president of the plaintiff as alleged in this para.
2. It is wrong and denied. The defendant no.2 never appointed the defendant no.1 as his attorney.
3. In reply to this para it is submitted that the plaintiff has not attached the fard jamabandi relating to Khasra no. 703 to show its ownership. Moreover Surinder Kumar who is alleging himself to be the president of the plaintiff under the grab of this suit and the religious institution wants to interfere in the land owned and possessed by Jatinder Kumar Chabba the real brother of answering defendant bearing khasra no. 220/6 situated in the area of Village Mehandpur Tehsil Anandpur Sahib District Ropar which is adjoining with the suit land.
4. In reply to this para it is submitted that the suit land is owned by the brother of answering defendant is adjoining with each other and under the garb of this suit

Addl. Civil Judge Sub. Divs.

26/11/18

Surinder Kumar and Satinderjeet Singh Heera are interfering in the land of the Jatinder Kumar Chabba brother of answering defendant and the defendant no.1 being his attorney is looking after and managing the land of his brother Jatinder Kumar.

- 5. This para is absolutely wrong and denied. The answering defendant never threatened to interfere in the suit land as alleged. Rather the position is otherwise and under the grab of this suit Surinder Kumar and Satinderjeet Singh Heera are interfering in the land owned by brother of defendant no.1 bearing khasra no. 220/6 situated in the area of Village Mehandpur Tehsil Anandpur Sahib and are putting obstruction in the demarcation and did not allow the officials to affix the Burjis in the land of the Jatinder Kumar Chabba the brother of the answering defendant even remove the Burjis affixed by revenue officials. The plaintiff is not going to suffer any loss as alleged nor they entitle to any relief.
- 6. It is wrong and denied. The plaintiff has no cause of action to file the suit.
- 7. It is formal.
- 8. It is legal.
- 9. It is formal.
- 10. It is wrong and denied. The suit of the Plaintiff is based on false and frivolous facts and the same is without any merit and it may be dismissed with costs which is in the interest of justice and equity.

28/11/18  
Addl. Civil Judge Sr. Dist. Garhshankar

Verification

Submitted by:

Defendant no.1

*Cau*

Through Counsel

Sh. Sanjeev Kumar Dod  
Mrs. Anjana Kumari Dod  
Advocates at Garhshankar .

Certified to be a true copy

Examiner  
Authorised by Section 76 of the Indian Evidence Act, 1872

01-08-19

No. of Application 3197  
 Date of Application 30-07-19  
 Name of Applicant Sh. Sanjeev Kumar Dod  
 Date of Preparation of Copy 01-08-19  
 Copying Fee 10/-  
 Urgent Fee \_\_\_\_\_  
 Number of Pages 5  
 Name of Counsel Sanjeev Kumar Dod  
 Completed by -do-  
 Date of Delivery 02-08-19

Verified on SA that the above noted contents of the Written statement are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Verified at Garhshankar  
Defendant no.1  
Place:- Garhshankar  
Dated:- 26-11-2018

*Sanjeev Kumar Dod*  
EXAMINER

*Cau*

CNR No: PBROB00000182019

CIS No: CS/18/2019

18 Jatinder Kumar Chabba VS Sri Guru Ravi Dass Itehasik Dharam Asthan etc.

Present: None for the Plaintiff.  
Sh. Deepak Chandel Advocate for the Defendant.

Today none has appeared on behalf of the plaintiff. Case called several times since morning but neither plaintiff nor anyone on his behalf has come present before this court today. As such, on account of non appearance of the plaintiff, suit filed by plaintiff stands **dismissed** in default under Order 9 Rule 8 CPC. File be consigned to Judicial Record Room after due compliance.

Date of Order: 10.08.2023

*Gaurav, Stenographer Gr-III*

(Nidhi Saini, PCS)

Nyayadhikari/ACJ(SD)/Nangal

UID No. PB0382

ANNEXURE R5/3

1

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

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

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

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

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

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 Kapoila 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

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

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

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

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:

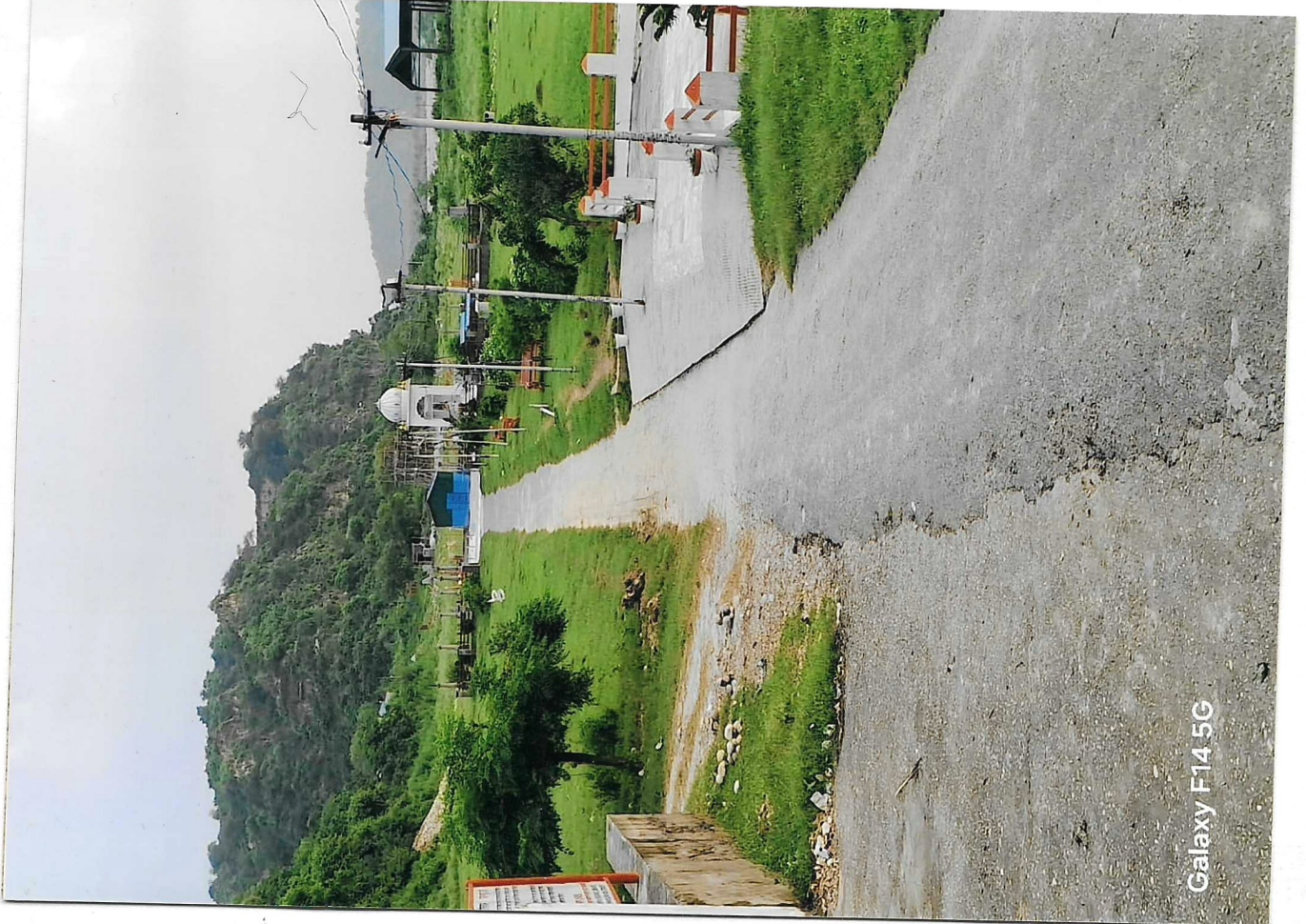
Date of order : 30.01.2024

*Sunita Chauhan/Stenographer Gr.II*

(Gursher Singh)

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





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