
(1996) 07 P&H CK 0168
In the Punjab And Haryana At Chandigarh
Case No : Civil Petition No. 2342 of 1995

Mohd. Ranjha

APPELLANT

Vs

Punjab Wakf Board and Others

RESPONDENT

Date of Decision : 03-07-1996

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2

Citation : (1997) 116 PLR 390 : (1997) 2 RCR(Civil) 377 : (1997) 1 RCR(Civil) 412

Hon'ble Judges : R.S. Mongia, J

Bench : Single Bench

Advocate : C.M. Munjal, for the Appellant; G.S. Dhillon, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Mongia, J.—A suit was filed by petitioner Mohd. Ranjha before the trial Court seeking permanent injunction restraining Punjab Wakf Board from changing the nature of the alleged graveyard or making any type of construction or encroachment over the alleged graveyard measuring about 65 Kanals 16 Marias comprised in Khasra numbers mentioned in the plaint. It was also prayed that respondent-Wakf Board be restrained from alienating the property in dispute in any manner. An application under Order 39 Rules 1 and 2 of the CPC was also moved along with the suit. On February 19, 1995 the trial Court declined the application for the interim injunction. Petitioner filed an appeal before the Additional District Judge, Jalandhar, who initially granted ex parte order of status quo on February 16, 1995. The respondents herein have moved an application for vacating that exparte status quo order dated February 16, 1995. By the impugned order, the application of the respondents for vacating the ex parte stay order of status quo has been allowed leading the petitioner to file the present revision petition. The learned appellate Court has observed in its order that prima facie on the basis of the revenue record produced by the respondents in the shape of Jamabandis from 1974 till 1989-90 and 1991-92 the property in

dispute is a Gair Mumkin School ground and Jamabandi of 1989-90 shows that Khasra No. 400 min is in occupation of the public Works Department. It was also pleaded by the respondents that the nature of the suit property stood changed more than 40 years back and on the suit property, Rest House of Block Samiti Mahatpur has been constructed. Some residential quarters for government employees and certain other property like water tank and shops have also been constructed. Be that as it may I am of the view that since the appellate Court prima facie, on the basis of the revenue record came to the conclusion that the suit property was a Gair Mumkin School ground and was in occupation of the Public Works Department, the order of status quo could not be continued. This case calls for no interference" The petitioner's interest has been safeguarded by observing that in case any construction that may be carried out by the respondents would have to be removed by them at their own cost.

2. Consequently, I do not find any merit in this revision petition, which is hereby dismissed. However, the trial court is directed to expedite the disposal of the suit and must dispose of the same within six months of the receipt of copy of this order from this Court or even a certified copy from any of the parties.