
(1986) 09 P&H CK 0082
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1067 of 1986

The Gram Ranchayat of Village Ramuwal	APPELLANT
Vs	
Santokh Singh	RESPONDENT

Date of Decision : 17-09-1986

Acts Referred:

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

Citation : (1986) 09 P&H CK 0082

Hon'ble Judges : Rajendra Nath Mittal, J

Bench : Single Bench

Advocate : V.G. Dogra, for the Appellant; Ram Avtar for Mr. Sarwan Singh, for the Respondent

Final Decision : Allowed

Judgement

Rajendra Nath Mittal, J.—Briefly, the facts of the case are that on the application of Gram Panchayat Ramuwal-Petitioner, an order of eviction was passed by the District Development and Panchayat Officer, acting as Collector, regarding the land in dispute against the Plaintiff-Respondent, under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as "The Act"). The Plaintiff filed a suit challenging the aforesaid order. He also moved an application under Order 39 Rules 1 and 2 of the CPC praying that an ad interim injunction be issued against the Gram Panchayat that he should not be dispossessed from the land till the decision of the suit. -The learned trial Court did not grant the ad-interim injunction. In appeal, the learned District Judge, Jalandhar, granted the ad interim injunction The Gram Panchayat has come up in revision to this Court.

2. It is contended by Mr. Dogra, learned Counsel for the Petitioner, that the appellate Court in view of Section 10 of the Act had no jurisdiction to grant the ad interim injunction In support of his contention he has made reference to Civil Revision No. 1177 of 1983 entitled as Gram Panchayat Pakka Kalan v. Hardit Singh C. R. No. 1177 of 1983 decided on 7.12.1983.

3. I have heard the learned Counsel for the parties. However, I agree with the contention of Mr. Dogra. The Act was enacted for the purpose of eviction of unauthorised occupants from public premises without undue delay and it provides an elaborate procedure for doing so. u/s 4, a notice is issued to the person in unauthorised occupation to show cause against his eviction. The occupant on receipt of the notice can furnish his explanation to establish that he is not in un-authorised occupation thereof. If the Collector is not satisfied with that explanation, he can pass an order of eviction against him. Section 9 authorises him to file an appeal against the order of the Collector to the Commissioner. Section 10 provides that every order made by the Collector or Commissioner under the Act shall be final and shall not be called in question in any original suit, application or execution proceedings and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by the Act.

4. From a reading of the above sections, it is clear that the Legislature expressly excluded the Civil Court to issue an injunction against an order of ejectment under the Act. The provision is mandatory in nature and has been made with the object that an un-authorised occupant should not be allowed to defeat the purpose of the Act by obtaining an ad interim injunction. After taking into consideration all the aforesaid circumstances, I am of the view that the Civil Court had no jurisdiction to issue an ad interim injunction in favour of the Plaintiff-Respondent. In the above view, I am fortified by a decision of this Court in Gram Panchayat Pakka Kalan's case (supra).

5. For the aforesaid reasons, I accept the revision petition, set aside the order of the Appellate court and dismiss the application of Respondent for ad interim injunction. No costs