109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-8653-2026
Date of Decision: 21.11.2026

SURAJ PARKASH ...Petitioner

Vs.

GRAM PANCHAYAT VILLAGE GANJOGARHI, THR ITS SARPANCH AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Rahul Gupta, AAG, Haryana.

VIRINDER AGGARWAL, J. *(Oral)*

1. The present petition has been filed under Article 227 of the Constitution of India, assailing the order dated 22.10.2026 (Annexure P-3) passed by the learned Additional District Judge, Karnal, whereby the appeal preferred by the petitioner against the order dated 18.12.2025 (Annexure P-2) passed by the learned Civil Judge (Junior Division), Karnal, declining his prayer for grant of ad interim injunction under Order XXXIX Rules 1 and 2 CPC, has been dismissed.

2. Learned counsel for the petitioner contends that the petitioner is in possession of the suit property, situated within the Lal Dora of Village Ganjogarhi, District Karnal, for the last about 60 years. It is submitted that the petitioner's father was engaged in the business of milk vending and, after his demise, the petitioner has continued the said business from the suit property. The petitioner and his family members have allegedly been using the property for tethering cattle, keeping cow dung cakes and other articles.

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Learned counsel further submits that the possession of the petitioner is substantiated by certain writings issued by the Lambardar/Numberdar and members of the Gram Panchayat, besides photographs placed on record. It is argued that both the Courts below have failed to appreciate that the property falls within the Abadi Deh/Lal Dora of the village and, therefore, the provisions of Section 2(g) of the Punjab Village Common Lands (Regulation) Act, 1961, are not attracted. Reliance has also been placed upon the provisions of the Haryana Abadi Deh (Vesting, Recording and Dissolving of the Ownership Rights) Act, 2025, to contend that the petitioner is entitled to protection of his possession over the suit property.

3. I have heard learned counsel for the petitioner and have gone through the paper book, including the impugned order.

4. The learned Appellate Court has examined the material available on record and noticed that the petitioner has not produced any document establishing his ownership or exclusive possession over the suit property. The jamabandi for the year 2023-24, which the petitioner sought to introduce at the appellate stage, was not part of the record before the Trial Court. Even otherwise, the said revenue entry reflects the land to be owned and possessed by the proprietors of the village. The petitioner has also not specified any particular khasra or killa number in the plaint to identify the portion allegedly in his possession. The writings relied upon by him are undated, while no resolution of the Gram Panchayat or any other document evidencing allotment of the land in his favour has been produced. The photographs placed on record, as noticed by the Appellate Court, also do not establish the existence of any construction over the suit property.

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5. The mere assertion of long-standing use or the fact that the land falls within Lal Dora/Abadi Deh would not, by itself, establish the petitioner's exclusive possession over the specific portion in dispute. Admittedly, the suit property is an open plot of land and the petitioner does not claim to be its owner. It is well settled that possession of vacant land ordinarily follows title and, in the absence of proof of any substantial and exclusive act of possession, the owner is presumed to remain in possession. Mere acts of user, such as tethering cattle, placing cow-dung cakes, storing fuel, digging a manure pit or installing pegs, cannot, by themselves, be treated as proof of exclusive or settled possession.

5.1 In *Bhan Singh and others v. Tej Singh and others*, **1997(1) RCR (Civil) 46** (RSA No.2074 of 1979, decided on 17.05.1996), this Court held that mere acts of user, such as placing rubbish or tethering cattle on an open piece of land, do not establish possession so as to entitle a person to injunction. Similar observations were made by the Delhi High Court in *Shahabuddin v. State of U.P. and others*, **RFA No.134 of 1982, decided on 01.04.2005, MANU/DE/0546/2005**, wherein it was held that tethering cattle on open land and preparing cow-dung cakes thereon would not amount to absolute or exclusive possession in law.

5.2 The aforesaid principles were reiterated by this Court in *Piare Lal v. Gram Panchayat of Village Shafipur*, **RSA No.2368 of 1993, decided on 01.05.2023, 2023:PHHC:062923**, wherein it was specifically observed that such acts of user are merely weak links indicating use of the property and must be distinguished from actual possession. For establishing possession, the claimant must demonstrate overt acts showing exercise of

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control over the property with an intention to retain it. The Court further observed that the common practice in villages of tethering cattle and placing cow-dung cakes in open spaces cannot be permitted to become a means of claiming exclusive possession over land belonging to another.

6. Applying the aforesaid settled principles to the facts of the present case, the petitioner's claim based primarily on tethering cattle, storing cow-dung cakes and planting trees cannot be accepted as sufficient proof of his exclusive possession over the suit property. In the absence of any reliable material demonstrating actual and settled possession over an identifiable portion of the land, the petitioner cannot claim interim protection merely on the basis of such acts of user.

6. The learned Appellate Court has, therefore, rightly affirmed the order passed by the Trial Court. The impugned order does not suffer from any perversity, jurisdictional error or material illegality warranting interference in the limited supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

7. Finding no merit in the present petition, the same is dismissed. It is, however, clarified that the observations made herein are confined to the adjudication of the application for temporary injunction and shall not be construed as an expression of opinion on the merits of the main suit. The Trial Court shall decide the suit independently, in accordance with law and on the basis of the evidence led by the parties.

8. Consequently, finding no ground to exercise supervisory jurisdiction under Article 227 of the Constitution of India, the present petition is dismissed.

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9. Pending miscellaneous application(s), if any, also stand disposed of.

(VIRINDER AGGARWAL)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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