

IN THE COURT OF MS. HARSHDEEP KAUR,
CIVIL JUDGE (JUNIOR DIVISION), NABHA.
(Unique Identification No.PB0801)

	Case No.	:	CS/368/2023
	CNR No.	:	PBPTB00005782023
	Date of Institution	:	26.05.2023
	Date of Decision	:	12.05.2026

Jaspal Singh, aged about 70 years, son of Sh. Bakshi Singh, resident of Village Kaidupur, Tehsil Nabha, District Patiala.

.... Plaintiff

VERSUS

1. State of Punjab through its Principal Secretary.
2. Deputy Commissioner Patiala, District Patiala.
3. XEN Mandi Board, Anaj Mandi, Patiala.
4. SDO Mandi Board Satnam Singh, Anaj Mandi, Patiala, District Patiala.
5. JE Mandi Board, Anaj Mandi, Patiala, District Patiala.
6. Sub Divisional Magistrate Nabha, Tehsil, Nabha, District Patiala.
7. Block Development & Panchayat Officer (BDPO), Zila Parishad, Rural Patiala, District Patiala.
8. Gram Panchayat of Village Kaidupur through its Sarpanch/Member.

...Defendants

Suit for permanent injunction restraining the defendants from constructing the road through comprised in Khewat No.69/48, Khatauni No.101, Khasra No.81(15-11), situated at Village Kaidupur, Tehsil Nabha, District Patiala, as per jamabandi for the year 2018-2019 or changing the nature of the suit land by way of digging out or excavating the above said land and also restraining the

defendants from interfering into the peaceful possession of the plaintiff over the suit land illegally and forcibly in any manner whatsoever.

Present: Sh.V.P.Shukla Advocate, counsel for the plaintiff.
Sh.Yadwinder Singh, Ld. Govt. Pleader for defendants
No.1,2 & 6.
Sh.Amrinder Singh Advocate for defendants No.3 to 5.
Sh.V.K.Gupta Advocate, counsel for defendants No.7 & 8.

JUDGMENT:-

1. The plaintiff has filed the present suit for permanent injunction against the defendants as fully detailed and described in the head note of the plaint.

Factual Matrix

2. The brief facts of the case of the plaintiff is that the plaintiff is exclusive owner and in possession of the suit land and the same is cultivated by him and there is no source of income except the above said land including the land mentioned in the jamabandi for the year 2018-2019 of Village Kaidupur, Tehsil Nabha, District Patiala. The defendants have no right, title or concern with the suit land, as fully detailed in the heading of the plaint. The plaintiff gave many representations to the defendants for not doing the illegal and wrong acts and also issued a legal notice to the defendants through registered post on 13.05.2023. However, the defendants not accede the request of the plaintiff. Hence, this suit is being filed on the threats of the defendants. Defendants are threatening to interfere into the peaceful possession of the plaintiff and also threatening the plaintiff to construct the road through comprised in Khewat No.69/48, Khatauni No.101, Khasra No.81(15-11), situated at Village Kaidupur, Tehsil Nabha, District Patiala and also threatening to change the nature of the suit land by way of digging out or excavating the above said land illegally and forcibly for which they have got no such right to do so. The above said acts of the defendants are illegal, unwarranted under law and if

the same are allowed to go unchecked, it will cause an irreparable loss and injury to the rights of the plaintiff, for which the defendants have got no such right to do so. Hence, the present suit is filed.

3. Upon notice, the defendants no.1, 2 & 6 appeared through Ld. Govt. Pleader and contested the suit by filing written statement wherein they submitted in preliminary objections that answering defendants have no concern with the suit land. Moreover the road is constructed by the Punjab Mandi Board. The answering defendants are unnecessarily dragged in this frivolous litigation. So the present suit is not maintainable against the defendants No.1,2 and 6. False, frivolous and vexatious suit has been filed by the plaintiffs, which is liable to be dismissed and also become infructuous as the road has already been completed. The plaintiffs have not come to this Hon'ble Court with clean hands, as such suit is liable to be dismissed. The real facts of the case that answering defendants have no concern with the suit land. The road is constructed by the Punjab Mandi Board and the road constructed after the written request of the Village Panchayat and villagers. Moreover, the road is not constructed upon the land of the plaintiff. The entire link road Kaidopur Agol Road to Saholi via Smadhan Baba Raha Ram Dass Ji and Baba Tack Lubana Ji in MC Bhadson is now completed. The present suit is bad for mis-joinder of answering defendants as party in the present suit. The plaintiffs have no cause of action to file the present suit against the answering defendants as there have no role of the answering defendants in construction of alleged road. It is the Punjab Mandi board defendant, who constructed the road.

On merits, it is submitted that no representation moved to the office of the answering defendants. It is submitted that answering defendants have no concern with the suit land. The road is constructed by the Punjab Mandi Board and the road constructed after the written request of the Village Panchayat and villagers. Moreover, the road is not constructed upon the land of the plaintiff. The entire link road Kaidopur

Agol Road to Saholi via Smadhan Baba Raha Ram Dass Ji and Baba Tack Lubana Ji in MC Bhadson is now completed. It is submitted that the plaintiffs have never approached the office of the answering defendants nor such request has ever been made. It is admitted to the extent that earlier suit filed which was later dismissed by the Hon'ble Court as such present suit itself barred as no fresh cause of action accrued to the plaintiff.. Denying all other averments, prayed for dismissal of the present suit.

4. Upon notice, the defendants no.3 to 5 appeared through counsel and contested the suit by filing written statement wherein they submitted in preliminary objections that the present suit is not maintainable as the road has already been constructed and the same is not on the land of the plaintiff. False, frivolous and vexatious suit has been filed by the plaintiffs, which is liable to be dismissed. The plaintiffs have not come to this Hon'ble Court with clean hands and have suppressed the true and material facts from this Hon'ble Court and also concealed the various facts, as such the plaintiffs are not entitled for any relief. The present suit is bad for mis-joinder of answering defendants as party in the present suit. The plaintiffs have no cause of action to file the present suit. No notice U/s 31 of Punjab Agricultural Market Produce Act served to the answering defendants as such suit is not maintainable. Earlier suit filed by the plaintiff which was dismissed by the Hon'ble Court. So no fresh cause of action accrued to file the present suit.

On merits, it is submitted that no notice U/s 31 of Punjab Agricultural Market Produce Act served to the answering defendants. It is submitted that there is already a road and the answering defendants constructed the road as per direction of the State Government after getting approval and the concerned road is constructed after the written request of the Village Panchayat and villagers. There is no interference in the land of the plaintiff. Moreover entire link road Kaidopur Agol Road to Saholi via Smadhan Baba Raha Ram Dass Ji and Baba Tack Lubana Ji in MC

Bhadson completed. False allegations have been leveled. The answering defendants neither have any concern with the land of the plaintiff nor they constructed the road in the land of the plaintiff. It is submitted that the plaintiffs have never approached the office of the answering defendant. It is admitted that earlier suit filed which was later dismissed in default by the Hon'ble Court as such present suit itself barred as no fresh cause of action accrued to the plaintiff. Denying all other averments, prayed for dismissal of the present suit.

5. Upon notice, the defendants no.7 and 8 appeared through counsel and contested the suit by filing written statement wherein they submitted in preliminary objections that the present suit is neither maintainable nor competent in its present form as the road has been in existence from time immemorial which leads from village Kaidupur to village Sahauli and the people have been using the same for ingress and out-gress and the same is not upon the land of the plaintiff. The plaintiff has no cause of action and locus standi to file the present false suit against the answering defendant. The suit of the plaintiff is false, frivolous and vexatious to the knowledge of the plaintiff as this false suit is a clumsy effort to drag the answering defendant into unnecessary litigation with the ulterior motive to encroach upon the already existing road from time immemorial. No notice under Section 80(2) of CPC has been served upon the answering defendant. The plaintiff has not come to the Court with clean and has suppressed the true and material facts from this Hon'ble Court, as such the plaintiff is not entitled for any relief from this Hon'ble Court.

On merits, it is submitted that the road in existence does not fall in the suit property. Rather the road is in existence in the Shamlat Land of the village. In fact the plaintiff wants to grab the Shamlat Land under the garb of present false suit. It is pertinent to mention here that the plaintiff has not put on record any demarcation report regarding the suit property. In fact, the plaintiff has no right, title or concern with the road in

existence, which is in existence from time immemorial. It is submitted that there is already existing road in question, which has been reconstructed, repaired from time to time as per the policy matter and directions of State Government. There is no interference in the land of the plaintiff. The entire link road Kaidupur Agaul Road to Sahauli via Samadha Baba Radha Ram Muni Ji was constructed by MC Bhadson as per the Government Instructions and the plaintiff has nothing to do with the road in question. False and baseless allegations have been made in this para and no road has been constructed in the land of the plaintiff. Denying all other averments, prayed for dismissal of the present suit.

6. Plaintiff filed replication to the written statement of defendants no.1 to 8 whereby he denied the averments of the written statements and reiterated the averments of the plaint.

Issues

7. From the pleadings of the parties, following issues were framed:-

1. *Whether the plaintiff is entitled to permanent injunction, as prayed for? OPP*
2. *Whether the suit of the plaintiff is neither maintainable nor competent in its present form? OPD*
3. *Whether the plaintiff has no cause of action and locus standi to file the present suit?OPD*
4. *Whether the plaintiff has not come to the court with clean hands and has suppressed true and material facts from the court? OPD*
5. *Whether the suit of the plaintiff is false, frivolous and vexatious to the knowledge of the plaintiff? OPD*
6. *Relief.*

Evidence

8. In order to prove his case, plaintiff Jaspal Singh, himself stepped into witness box as PW1 and he deposed through his affidavit Ex.PW1/A and he also tendered into evidence certified copy of jamabandi

for the year 2018-2019 Ex.P1, copy of legal notice Ex.P2 along with postal receipts Ex.P3 to Ex.P7, copy of Aadhar Card of plaintiff Ex.P8, photographs Ex.P9 to Ex.P13, copy of application moved to SDM, Nabha by plaintiff Ex.P14, copy of application moved to XEN, Punjab Mandi Board, Patiala by plaintiff Ex.P15.

Plaintiff also examined Gurdarshan Singh, who stepped into witness box as PW2 and he deposed through his affidavit Ex.PW2/A and he deposed on the lines of PW1.

Plaintiff further examined Jaswinder Singh, who stepped into witness box as PW3 and he deposed through his affidavit Ex.PW3/A as PW3 and he deposed on the lines of PW1.

Thereafter, plaintiff has tendered into evidence certified copy of Khasra Girdwari Ex.PW1/1 and closed his evidence vide his separately recorded statement on dated 11.09.2024.

9. On the other hand, in order to rebut the case of plaintiff defendants no.1,2, 6, examined DW1 Jagdeep Inder Singh Naib Tehsildar, Nabha, who stepped into the witness-box as DW1 and he deposed through his affidavit Ex.DW1/A. He deposed as per version of the written statement of defendants no.1,2,6 in his examination-in-chief. He also tendered into evidence copy of authority letter Ex.D1.

Defendants also examined Pardeep Singh SDO, Punjab Mandi Board, Sirhind, District Fatehgarh Sahib, who stepped into the witness-box as DW2 and he deposed through his affidavit Ex.DW2/A. He also tendered into evidence documents Ex.D1 to Ex.D6.

Defendants further examined Jaswinder Kaur, who stepped into the witness-box as DW3 and she deposed through her affidavit Ex.DW3/A.

Thereafter, evidence of the defendants closed by order on dated 30.04.2025.

Ld. counsel for the plaintiff has tendered into rebuttal evidence Letter Ex.PB vide his separately recorded statement on dated

28.04.2026.

Arguments heard

10. During arguments, Ld. Counsel for plaintiff submitted that defendants are threatening the plaintiff to interfere into the peaceful possession of the plaintiff over the suit land and they are further threatening the plaintiff to construct the road on the suit land and to change the nature of the land by way of digging out or excavating the above said land, illegally and forcibly. Further, it is argued on behalf of Ld. Counsel for plaintiff that plaintiff has duly proved his case on the basis of preponderance of probabilities by examining himself as PW1 and further examining PW2 Gurdarshan Singh and PW3 Jaswinder Singh in his favour. The plaintiff has also tendered into evidence Ex. P1 to Ex. P15 in his favour. In last, the plaintiff prayed that the suit be decreed.

Ld. Counsels for the defendants argued that the defendants have no concern with the suit land. The road has already been constructed by Punjab Mandi Board and the road has been constructed after the written request of Village Panchayat and villagers. It is further submitted that the road is not constructed on the land of the plaintiff Jaspal Singh. Further, no notice under Section 31 of Punjab Agricultural Market Produce Act was given to the defendants. The road has been constructed as per the directions of the State Government and after getting the approval. No such threat has been given by the defendants to the plaintiff. Hence, a false suit has been filed against the defendants. Further, the defendants tendered into evidence Ex.D1 to Ex. D6 for proving their assertions. In last, Ld. counsels for defendants prayed for dismissal of the suit.

11. I have heard the submissions of the Learned counsels for both the parties and have gone through the case file carefully and minutely.

Issues wise findings

My issue-wise finding is as under:-

*Harshdeep Kaur, Civil Judge (Junior Division),
Nabha- Unique Identification No.PB0801*

Issue No.1 and 2.

12. For the sake of convenience and in order to avoid repetition, issues no.1 and 2 are taken up together. The onus to prove issue no.1 i.e. *Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?* OPP was upon the plaintiff and the onus to prove issue no.2 i.e. *Whether the suit of the plaintiff is neither maintainable nor competent in the present form?* OPD was upon the defendants. The initial onus to prove a case lies on the plaintiff. In order to prove his case, the plaintiff Jaspal Singh examined himself as PW1 and tendered into evidence his duly sworn affidavit Ex.PW1/A. He further tendered into evidence Ex. P1 to Ex. P15. Further, the plaintiff examined PW2 Gurdarshan Singh and PW3 Jaswinder Singh who have corroborated the version of the plaintiff. On the other hand, the defendants examined DW1 Jagdeep Inder Singh Naib Tehsildar, DW2 Pardeep Singh SDO who tendered into evidence Ex. D1 to Ex. D6 and DW3 Jaswinder Kaur Member of Gram Panchayat Village Kaidupur. Detailed arguments have been addressed by both the parties.

13. After hearing Ld. counsels for the plaintiff and the defendants, the present court believes that plaintiff has filed the present suit for seeking permanent injunction restraining the defendants from constructing the road to the land comprised in khewat No. 69/48, khatouni No. 101, khasra No. 81 (15-11) situated at Village Kaidupur and further restraining them from changing the nature of the suit land by way of digging out or excavating the suit land and interfering into the peaceful possession of the plaintiff over the suit land. The plaintiff has placed on record Ex. P1, copy of jamabandi of year 2018-2019, Ex. P2 copy of legal notice dated 13.05.2023, Ex. P3 to Ex. P7 postal receipts, Ex. P8 copy of Aadhaar Card, Ex. P14 & Ex. P15 application moved to SDM Nabha and XEN Punjab Mandi Board Patiala and Ex. P9 to Ex. P13 photographs. From the documents placed on record, it is clear that suit property comprised in khasra No. 81 (15-11) is in the name of the plaintiff Jaspal

Singh. It is further admitted by defendants that defendants have no concern with the suit land. Hence, it is not disputed that the plaintiff Jaspal Singh is the owner and in possession of suit property. Further, it is also admitted fact that the alleged road has already been constructed except the road abutting to the land of the plaintiff. PW1 Jaspal Singh has mentioned during his cross-examination that road has already been constructed except in front of his land. It is further mentioned that it is correct that Punjab Mandi Board has constructed the road on kacha-paha except the paha abutting to his land. Further, PW2 has also admitted this fact during his cross-examination that no road has been constructed on their land which is in the name of the plaintiff Jaspal Singh. He further admitted the fact that the plaintiff Jaspal Singh is not the owner of the alleged paha. Further, PW3 Jaswinder Singh has mentioned during his cross-examination that the link road from village Kaidupur to Sahauli has been constructed except in front of the land of Jaspal Singh. Further, DW2 Pardeep Singh SDO Punjab Mandi Board has admitted during his cross-examination that the whole link road has been constructed except a few portion. It is further admitted by DW3 Jaswinder Kaur Member Panchayat of Gram Panchayat Village Kaidupur in her cross-examination that plaintiff Jaspal Singh is the owner of the suit property as per jamabandi of year 2018-2019.

14. From the above discussion, it is clear that it is not disputed that Jaspal Singh is the owner of suit property comprised in khasra No. 81 (15-11) and it is further admitted fact that link road from Village Kaidupur to Sahauli has already been constructed. However, it is not clear that whether the whole road has been constructed or the construction work is still going on as the plaintiff has mentioned that a few portion of the road is still pending which is abutting to the land of the plaintiff Jaspal Singh. This fact is further admitted by PW1, PW2, PW3 and further DW2 in their cross-examination. Perusal of the plaint reveals that the plaintiff sought permanent injunction with respect to khasra No. 81 (15-11) only

and not in a relation to the construction of the road in kacha-paha. *The grant of injunction is a discretionary relief and it is to be exercised in order to advance cause of justice. While granting injunction, the Court is to see an irreparable damage to be caused to the party if the relief of the injunction is not granted. Courts have to grant injunctions in order to protect the rights of the plaintiff and to prevent the breach of the obligations that are in existence.* In the present case, the plaintiff has duly proved his ownership over the suit property by tendering into evidence Ex. P1 copy of jamabandi of year 2018-2019 and further this fact is not disputed by the defendants. In view of the above discussion, the plaintiff is able to prove issue No. 1 in his favour. Hence, issue No. 1 is decided in favour of plaintiff Jaspal Singh and issue No. 2 is decided against the defendants.

Issue No.3,4,5

15. All these issues are taken up together in order to avoid repetition of evidence. Onus to prove these issues i.e.

3. *Whether the plaintiff has no cause of action and locus standi to file the present suit?OPD*

4. *Whether the plaintiff has not come to the court with clean hands and has suppressed true and material facts from the court? OPD*

5. *Whether the suit of the plaintiff is false, frivolous and vexatious to the knowledge of the plaintiff? OPD*

was placed upon the defendants, but they failed to lead any evidence to prove issues no.3,4,5. As such, all these issues are decided against the defendants.

Issue No.6 (Relief)

16. As a result of my above findings, issue no.1 has been decided in favour of the plaintiff and issues No. 2 to 5 have been decided against the defendants. Hence, the plaintiff has duly proved its case on the basis of the preponderance of probabilities. Therefore, the present suit is decreed with costs. However, it is clarified that injunction is granted with

respect to khewat No. 69/48, khatauni No. 101, khasra No. 81 (15-11) only and the defendants are restrained from constructing the road on khasra No. 81 (15-11) and further from changing the nature of the suit land by way of digging out or excavating the above said land and they are further restrained from interfering into the peaceful possession of the plaintiff over the suit land. However, it is further clarified that the defendants are not restrained from constructing the road on the remaining portion. Hence, the defendants are at liberty to carry the construction work of the road as per law. Decree sheet be prepared accordingly. File be consigned to the Record Room Nabha. Directly dictated on Computer.

Pronounced in open court

Dated:12.05.2026

Raju Kumar Kaushal

Stenographer-II

Directly dictated on Computer.

Harshdeep Kaur
(Unique Identity Code: PB0801)
Civil Judge (Junior Division),
Nabha.

CNR No:PBPTB00005782023 CASE No:CS-368-2023

Jaspal Singh Vs. State of Punjab

Present: Sh.V.P.Shukla Advocate, counsel for the plaintiff.
Sh. Yadwinder Singh, Ld. Govt. Pleader for defendants
No.1,2 and 6.
Sh.Amrinder Singh Advocate for defendants no.3 to 5.
Sh.V.K.Gupta Advocate, counsel for defendants no.7 and 8.

Learned counsel for the plaintiff closed the rebuttal evidence on behalf of the plaintiff vide a separate statement recorded of even date.

Arguments heard. Vide a separate judgment of even date, the suit of the plaintiff is decreed with costs. Decree sheet be prepared accordingly. File be consigned to the Record Room Nabha.

Pronounced in open court

Dated:12.05.2026

Raju Kumar Kaushal
Stenographer-II

Directly dictated on Computer.

Harshdeep Kaur
(Unique Identity Code: PB0801)
Civil Judge (Junior Division),
Nabha.