



- a. Declaring that the Plaintiff is entitled to the possession of the plot in question i.e plot No.N-779 Sector 6-J/1 from the Defendant No.4.
- b. A further declaration that the Defendant No.4 has no right or title to hold plot any longer and he is liable to vacate the same after demolishing the construction unauthorisedly raised on the plot in question.
- c. A further decree of possession be passed against the Defendant No.4 handover the possession of the plot in question to the Plaintiff and if the Defendant refuses to vacate the same he or anybody found in possession of the plot in question be ejected through process of law.
- d. A permanent injunction be issued against the Defendants directing them not to interfere with the lease of the plot in question granted in favour of the Plaintiff.
- e. Pending the decision of this suit and interim injunction be passed against the Defendants directing them not to deal in any manner with the title of the Plaintiff in respect of the plot in question.
- f. Be further pleased to direct the Defendant No.4 to pay the special cost U/s.35(A) CPC to the Plaintiff.
- g. Any other relief or reliefs which this Hon'ble Court deems fit and proper in the interest of justice.

The applicant has failed to establish having entered into suit property at any point of time. Courts below on the basis of the judgment passed by a Division Bench of this Court in CP No.1798/1997, have come to the conclusion that these allotting of plots in suit land and subsequent transfer by the KDA was unlawful and illegal since Board of Revenue has not transfer the piece of land to the KDA.

The observation of Division Bench of High Court is as under:-

“The area leased out by the K.D.A in this scheme is without justice, and illegal and requires cancellation on the part of K.D.A. Since the land

in question has not been transferred to K.D.A. by Revenue Department, allotments etc. made by the K.D.A. and subsequent transfer of plots on the basis of these allotments are also void”.

Learned counsel has not been able to satisfy the court that in the absence of lawful authority to allot him plot and subsequent lease how can civil court can declare, he has lawful owner not only that KDA is lawful finding of the court against such allotment from the D.B is also in the field.

In view of the above concurrent findings of the courts below appears to be just and fair and there is hardly any evidence which may consider as non-reading by the court while dismissing the suit as well as appeal in view of the above these revisions stands dismissed with no order as to costs.

JUDGE

SM