

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M. No. 1049-CWP of 2015 in/&
CWP No. 7506 of 2002 (O&M)**

Date of decision : 29.01.2015

Gurmej Singh

....Petitioner

V/s

The Commissioner, Jalandhar Division, Jalandhar & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. V.S. Kalia, Advocate for the petitioner.

Mr. Piyash Bansal, DAG Punjab.

Mr. Aseem Kalia, Advocate for
Mr. Premjit Kalia, Advocate for respondent no. 2.

RAJAN GUPTA J.

C.M. No. 1049-CWP of 2015

This is an application for placing on record status report by way of affidavit of Ravi Bhaagat, Deputy Commissioner, Amritsar. Application is allowed as prayed for. Status report is taken on record.

CWP No. 7506 of 2002

Petitioner has posed a challenge to order Annexure P18 dated 30.01.2002 passed by Commissioner, Jalandhar Division whereby he directed his eviction from the premises in question.

Learned counsel for the petitioner has vehemently contended that authority below gravely erred in directing his eviction from the premises. According to him, petitioner could only be evicted under provisions of Punjab Security of Land Tenures Act,

1953. Commissioner failed to appreciate this aspect of the matter. He relies upon judgment of this court reported as *Rameshwar vs. Sheo Chand & ors.* 1981 PLJ 362.

Plea has been opposed by counsel appearing for respondent no. 2. According to him, land was leased out to the petitioner for a limited period i.e. year 1994-95. Lease was never extended. According to him, it is undisputed that Gurudwara Kotha Sahib is owner of the land and premises in question is religious premises within the meaning of 2(e) of The Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997. Besides, mere payment of rent by petitioner would not bestow any right in him.

I have heard learned counsel for the parties.

It appears that Managing Committee of respondent no. 2 sought eviction of Chanan Singh, father of the petitioner from the land measuring 25 kanals and 12 marlas situated in village Vallah, district Amritsar. It pleaded that land in question was leased out to Chanan Singh for the period 1994-95. This lease was never renewed. Thus, he became unauthorized occupant thereof. Application filed by Gurdwara Kotha Sahib was rejected by Sub Divisional Magistrate-cum-Collector, Amritsar. Aggrieved, respondent no. 2 preferred appeal before appellate authority. Said authority came to the conclusion that land was leased out to Chanan Singh (since deceased) for the year 1994-95. He ceased to be a lessee thereafter. No fresh deed was executed. Deposit of certain rent by him would not bestow any right in view of non-renewal of lease. I find no infirmity with the order passed by

Commissioner, Jalandhar Division. There is no dispute regarding ownership of land by the Managing Committee of Gurdwara, affairs of which are governed by a special enactment i.e. Sikh Gurdwaras Act, 1925. There is nothing on record to show that lease in favour of father of the petitioner was renewed after the year 1995. Premises undoubtedly falls within the meaning of religious premises as defined in Section 2(e) of 1997 Act. Same reads as under:-

"2(e) "religious premises", means any land whether used for agricultural or non-agricultural purposes, or any building or part of a building belonging to a Religious Institution and includes:-

- (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and*
- (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;"*

The Managing Committee of respondent no. 2, thus, rightly invoked the provisions of 1997 Act to seek eviction of the petitioner. On the basis of record, appellate authority found that petitioner had become an unauthorized occupant and, thus, directed that he be ejected. There is no ground to interfere in writ jurisdiction. Judgment in *Rameshwar's case (supra)* cannot help the case of petitioner as same was a dispute between private parties. Instant case, however, is governed by a special enactment enabling the religious institutions to seek eviction of an illegal occupant from any land whether used for agricultural or non-agricultural purposes. Writ petition is, thus, without any merit and is dismissed.

January 29, 2015

Ajay

(RAJAN GUPTA)
JUDGE

To be referred to the Reporter: Yes