

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4089 of 2014 (O&M)

Date of decision: 12.10.2015

Mahant Gopal Dass and others

... Petitioners

versus

Mahant Sukhdevanand and another

.... Respondents

COCF No. 1119 of 2015

Mahant Rajinder Dass

... Petitioner

versus

Mahant Gopal Dass and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. B.R. Mahajan, Senior Advocate with
Mr. Akhilesh Vyas, Advocate for the petitioners.

Mr. S.L. Chander Shekhar, Advocate for respondent No.2.

K.Kannan, J.

The revision petition and the contempt related to proceedings in the suit have arisen where the possession to agricultural lands have come to dispute. The lands belong to a religious institution under the mahantship of *Udasin Sadhu*. The last admitted Mahant died on 10.01.2007 and there have been rival claims to succession as such Mahant by the 1st respondent Sukhdevanand and by 2nd respondent Rajinder Dass. The latter appears to have filed a suit claiming himself to

be a Mahant against the former Sukhdevanand but the suit was dismissed on 15.12.2011. In the appeal there appears to have been a compromise between the respondent Nos. 1 and 2 and the Court passed a compromise decree on 17.10.2013 allowing for the mahantship to be split between respondent Nos. 1 and 2 in such a way that the properties at Amritsar would be administered by the 1st respondent and the properties in Haridwar would be administered by the 2nd respondent.

The other members of the *Akhara* have filed the instant suit challenging the compromise as invalid and ineffective. According to them the mahantship itself was indivisible and the right to administer the property situate in different villages or towns cannot be vivisected in the manner that has been done through a compromise. Pending suit, an application for injunction has been filed and when the crops were ready for harvest, an application had also been moved for harvesting the crops. The Court passed an order of *status quo* and this has further aggravated the situation of each party asserting claims to possession. The contempt petition has been filed by the 2nd respondent contending that the crops which were raised by him and the compromise decree that allows for his management of his company are attempted to be interfered in defiance of the Court's decree and order.

I am informed by the learned senior counsel appearing on behalf of the petitioner that the injunction application has also not been disposed of. The consideration of an injunction application which is still pending and which has not been disposed of has really been the cause for scramble for possession that has taken place and the crops that were

grown have been allowed to be wasted. I deem this to be an eminently fit case where the receiver shall be appointed to manage the income from the properties and take possession. The property in Haridwar which is said to be in possession of the 2nd respondent shall be taken over by the Deputy Commissioner at Haridwar as receiver and if the crops are still lying, that shall be cut and harvested and the deposit shall be made to the credit of the suit after deducting the expenses. If the crops have already been cut, the receiver shall take possession of the property and grant a lease provisionally for a period of one year under a specific stipulation that the possession that is handed over shall be subject to the final outcome of the proceedings in the suit, so that no statutory right of tenancy be claimed by the persons who bids at the auction. Since the injunction application is said to be still pending, the order passed by this Court appointing the receiver shall operate till the order is passed in the injunction application. The Court is at liberty to allow for the receiver to continue if circumstances warrant his continuance but this order will not fetter the trial Court's discretion to consider the same on merits. Since Haridwar is situate in another State, the order copy shall be taken by the petitioner to be served, apart from the service through the Court, for appropriate action.

The injunction application will consider also the issue of the expenses that are necessary for running of the religious institution and if any application is moved and if there are funds available by deposits brought through the receiver, the trial Court will consider the same appropriately.

Counsel appearing on behalf of the 2nd respondent has a very serious objection that when the compromise decree has not been set aside by any known process, the appointment of the receiver will actually mean wresting possession from him. I pass this order on an overall consideration of the benefit of the religious institution, for, if the 2nd respondent were truly a Mahant as he claims to be and would not claim any personal interest, it would subserve the interest of the institution of law for the management of agricultural property which in its present status is surely a scramble for possession by several competing claims. I will also clarify that these observations and the appointment of the receiver are only temporary to protect the institution's interest and will not debar either of the parties to contend for exclusive right to management and to secure the due administration of the religious institution in accordance with law.

In the nature of order that I have passed in civil revision by appointment of receiver, I will not find any need for entertaining a complaint of contempt brought at the instance of the 2nd respondent. No orders are necessary and the contempt petition is disposed of as such.

12.10.2015

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(K.KANNAN)**JUDGE**