

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 9416 of 2007

Date of Decision: 20.1.2015

Municipal Council, Anandpur Sahib

... Petitioner(s)

Versus

Shiromani Gurdwara Prabandhak Committee, Amritsar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioner(s).

Mr. Sukhbir Singh, Advocate
for respondent No.1.

Mr. Malhar Singh Dhami, Advocate
for respondent No.2.

Rajan Gupta, J.

This order will dispose of a bunch of 15 writ petitions viz. Civil Writ Petition Nos. 9416, 9418, 9419, 9420, 9431, 9432, 9601, 9602, 9603, 9638 & 11940 of 2007, 15712, 15713, 15714 & 15730 of 2014 emanating from the orders passed by the authorities under the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997. For brevity, facts are being taken from Civil Writ Petition No. 9416 of 2007.

Counsel for the petitioner has assailed the eviction order on the ground that the authorities below have not considered all aspects of the matter. While directing eviction of the petitioners, only land measuring 31 kanals 7 marlas falling in khasra No. 263 has been taken into consideration. According to him, said khasra number is infact owned

by respondent-Shiromani Gurdwara Prabandhak Committee (hereinafter referred to as "SGPC"). The issue relates to khasra No. 199, which is in the ownership of Municipal Council, Anandpur Sahib and wherein shops have been leased out to various persons. He relies upon judgment reported as ***Sarjiwan Tiwari v. Punjab State Electricity Board 1998(2) Recent Civil Reports 2*** and submits that the issue-wise findings should have been given by the authority. He prays that impugned orders be set aside and matter be remitted to the same authority for decision afresh.

Counsel for respondent-SGPC has opposed the plea. According to him, khasra No. 263 is in the ownership of SGPC and is in the illegal occupation of Municipal Council. Demarcation was also carried out in this regard. According to him, shops situated in khasra No. 263 (31-7) are in illegal occupation of Municipal Council. The authorities have, thus, rightly directed their eviction. He further submits that the plea that Municipal Council is owner of khasra No. 199 has not been urged before the authorities.

I have heard counsel for the parties.

A perusal of orders (Annexures P2 & P4) shows that there is no clear finding regarding the contentions raised before this court. It is not clear whether shops situated in khasra No. 263, which is admittedly owned by SGPC, has been leased out by Municipal Council to some persons. The plea regarding ownership of khasra No. 199 has neither been raised nor discussed in the impugned order.

Under the circumstances, I deem it fit to set aside the order passed by the Collector as well as the appellate authority. Matter is

remitted to the Collector for decision afresh after affording opportunity of hearing to the parties. Parties shall be at liberty to place reliance on relevant case law including ***Sarjiwan Tiwari's case*** (*supra*). The case shall be decided expeditiously in any case not later than six months.

Allowed in these terms.

(Rajan Gupta)
Judge

January 20, 2015

“DK”