

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 16736 of 2011

Date of Decision: 29.1.2015

Harbhajan Singh and Others

... Petitioner(s)

Versus

The Commissioner, Ferozepur Division, Ferozepur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. P.S.Rana, Advocate
for the petitioner(s).

Mr. V. Ram Swaroop, Additional Advocate
General, Punjab for respondent No.1.

Mr. C.M.Munjial, Advocate
for respondents No.2 & 3.

Ms. Neelofar A. Parveen, Advocate
for respondent no.4.

Rajan Gupta, J.

Petitioners have posed a challenge to order dated 31.3.2011 (Annexure P12) passed by respondent No.1 whereby matter has been remitted to Sub Divisional Magistrate-cum-Collector, Zira for decision afresh after hearing the parties. Order has been assailed on the ground that property in question is owned by Punjab Wakf Board, same being *gair mumkin kabristan*. Thus only concerned Tribunal would have jurisdiction to try the issue.

Learned State counsel submits that after considering the entire facts and circumstances, Commissioner has rightly remitted the case to Sub Divisional Magistrate-cum-Collector, Zira for decision afresh.

I have heard counsel for the parties.

A perusal of the impugned order shows that certain disputed questions of fact arose before the Commissioner. While petitioners claimed that property in question was owned by the Punjab Wakf Board, Gurudwara Gur Sar Suner Patshahi sought their eviction on the ground that property was owned by it and petitioners are liable to be ejected under Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997. In view of the fact that there is no clear finding on these issues, he remitted the case to Sub Divisional Magistrate-cum-Collector, Zira for decision afresh.

I find no infirmity with the order. Parties are at liberty to raise their pleas before the Sub Divisional Magistrate-cum-Collector, Zira to whom case has been remitted. He shall afford opportunity of hearing to all the concerned parties before arriving at a decision.

Dismissed.

(Rajan Gupta)
Judge

January 29, 2015

“DK”