

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

**CWP No.22733 of 2012
Date of decision : 19.10.2015**

Mandir Thakur Ji Sewa Samiti (Regd.)

....Petitioner

Versus

Deputy Commissioner & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. A.S.Chaudhary, Addl. AG, Haryana.

Mr. R.M.Suri, Advocate
for respondent No.3.

Mahesh Grover, J. (Oral)

The petitioner has filed the instant petition with a prayer that the amount lying deposited in Account No.2500101427739 with respondent No.3 bank be released to them and they may be permitted to operate the account.

The petitioner herein is a Mandir Thakur Ji Sewa Samiti assigned with the task of looking after a temple by the name of Mandir Thakur Ji Wala, Bal Jatan. A dispute arose between the petitioner and a Chela by the name of Raj Dass leading to the filing of a civil suit, which was decreed. In an appeal by the present petitioner, the findings of the trial court were reversed and while doing so, the learned first Appellate Court held the petitioner to be in possession of the land in dispute as trustees of the idol Bal Jatan.

While accepting the appeal, the first Appellate Court noticed the fact that some of the valuable land had been acquired by

the State and compensation deposited with the bank and thus, thought it appropriate to direct the Deputy Commissioner to constitute a committee under his own supervision or some other senior officer to take possession of the property in dispute so as to take care of the affairs of the Mandir Thakur Ji Wala, Bal Jatan and retain effective control over its finances so that public faith in such institutions is not shaken. The petitioner impugned this particular condition authorizing the Deputy Commissioner to interfere, which led to filing of Civil Revision No.2655 of 2007 decided on 04.12.2009 (Annexure P-2) where this particular condition placed in the order of first Appellate Court was set aside. The plaintiff, who had initiated the suit, filed regular second appeal against the judgment of first Appellate Court, which was also dismissed on 02.12.2009 and SLP against that also stood dismissed thereafter.

In so far as the order of this Court passed in civil revision is concerned, it was also tested before the Hon'ble Supreme Court by way of SLP but affirmed.

Upon dismissal of the SLP , the petitioner now claims that the findings recorded by the first Appellate Court and affirmed by this Court and also by the Hon'ble Supreme Court would imploy the acknowledgment of the control and possession of the petitioner over the Mandir, thus, entitling him to manage its affairs and finances in this regard.

It is not in dispute that the land of the Mandir was acquired on account of which compensation was deposited with the bank.

Keeping in view the above, when the findings have already

recorded by Court of competent jurisdiction in favour of the petitioner there would be no occasion to deny the petitioner right to manage the affairs of the Mandir effectively which would also include finances deposited with the bank on account of acquisition of the property any other course would have the effect of negating the findings recorded by Civil Courts to defeat the rights of the petitioner, well earned.

Consequently, the petition is accepted and respondent No.3 is directed to permit the petitioner to operate the account in question.

19.10.2015
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(Mahesh Grover)
Judge