

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

LPA No.832 of 2015

Date of Decision: 28.05.2015

Gurudwara Shahidan Dharamshala Trust ...Appellant

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Anil Kumar Garg, Advocate, for the appellant.

HEMANT GUPTA, J.

The present letters patent appeal under Clause X of the Letters Patent is directed against an order passed by the learned Single Bench of this Court on 12.05.2015, whereby the writ petition filed by the appellant invoking writ jurisdiction of this Court to seek protection of its property, was dismissed. The appellant has approached this Court alleging misappropriation of its property by respondent No.7, who was one of the Trustees, who was later on said to be removed by the appellant.

Learned Single Judge has dismissed the writ petition holding that there is inter se dispute between some of the members of the petitioner-Trust and respondent No.7, which cannot be gone into in a writ petition and that effort and attempt is being made by the petitioner to circumvent the process of law. The petitioner is to establish legal right for which remedies are available. There are disputed questions of facts, which cannot be decided in the writ petition.

Having heard learned counsel for the appellant, we find that invocation of jurisdiction of this Court is patently untenable. The appellant

is claiming protection of its properties against respondent No.7, who was once a Trustee of the appellant. The inter se disputes regarding control and management of the property can be decided by the Civil Court and not through a writ Court. The disputed questions of fact as to the extent of right, title and interest of the writ petitioner and/or of respondent No.7 are subject matter of evidence, which can properly be decided by the Civil Court.

In view thereof, we do not find any error in the order passed by the learned Single Bench, which may warrant any interference by this Court in the present intra court appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

28.05.2015
Vimal

(HARINDER SINGH SIDHU)
JUDGE