

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 3441 of 2014
Date of Decision : 16.10.2015

Mandir Thakar Dwara

....Appellant

Versus

Sohan Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aseem Kalia, Advocate
for Mr. Premjit Kalia, Advocate
for the appellant.

Mr. Sagar Aggarwal, Advocate
for the respondents-caveator.

Surinder Gupta, J. (Oral)

Heard.

The suit was filed by Inderjit son of Gopal Dass alleging himself as *Mahant* (Manager) of *Mandir Thakar Dwara, Daulat Ram* situated in village Sarhali Kalan, *Tehsil* and District Tarn Taran, seeking possession of the land measuring 62 *kanals* 10 *marlas*, gifted to the temple by Chand Kaur. As is evident from the facts, Chand Kaur while gifting the land for the temple appointed one Mulla Ram (since deceased) as *Pujari* and care taker of the temple and allowed him to utilize the income generated from the *Mandir* for his family, but at the same time was restricted from alienating the property of the temple in any manner.

Inderjit claimed himself to be the disciple of Mulla Ram and alleged that vide Will (Ex. C-1) and *Yadashtnama* (Ex. P-1), the management and *Mahantship* of the temple was entrusted to him by Mulla Ram.

The case of the plaintiff is that defendant-society i.e. *Pandit*

Daulat Ram Mandir (Thakar Dwara Managing Committee) had taken forcible possession of suit land and the plaintiff being *Mahant* and care taker of the *Mandir* is entitled to its possession.

Suit was dismissed by Additional Civil Judge (Senior Division), Tarn Taran. The plaintiff was held to be having no *locus standi* to claim property of the temple and it was observed that he cannot derive any right regarding property of the temple on the basis of Will and *Yadashtnama* executed by Mulla Ram. It was also observed that Mulla Ram was not competent to alienate the temple property, as such, on the basis of his Will and *Yadashtnama* he has not become *Mohatmim* of the temple.

Appeal against judgment and decree of Additional Civil Judge (Senior Division), Tarn Taran was filed by Paras Ram son of Inderjit in his capacity as his legal heir. The appeal was also dismissed.

This fact is not disputed that there is a duly registered managing committee, which is looking after and managing affairs of the plaintiff-temple.

Learned counsel for the appellant has argued that the committee has come into existence in the year 1992 and prior to that after the death of Mulla Ram it was Inderjit plaintiff who was managing the affairs of temple.

Inderjit has also died and it is nowhere the case of son of Inderjit that he has been appointed as *Mahant/Mohatmim*, care taker or manager of the temple. The Courts below have observed that there was no ceremony of appointing Inderjit as *Mahant*. On the other hand, defendant no. 7 (respondent no. 7 in this appeal) is a duly constituted and registered society of the village which is managing the affairs of

temple. Inderjit, having not been ever duly appointed as *Mahant* of the plaintiff-temple, is not competent or has *locus standi* to seek possession of suit land which belongs to the temple. The property of temple never vested in Mulla Ram, who was only appointed as a *Pujari* by Chand Kaur and was authorized to look after the property, as such, Inderjit could not derive any title on the basis of Will executed by Mulla Ram as *Manant*/Manager of the suit property.

The temple is a place of worship frequented by worshipers and particularly residents of the village. It is always in the best interest of property vested in such a temple that the same is looked after by a committee duly constituted by villagers, however, subject to right of anyone, who feel that the property is not being duly looked after properly and can come to the court to challenge the management of such property by such committee.

The suit has been filed by plaintiff, as if, after the death of Mulla Ram he has assumed the status of a trustee/manager of temple. He may be a devotee or worshiper of the temple but has no right to claim any title over temple property or to seek possession of the same.

On perusal of the paper-book and judgments of the Courts below, I find that the Courts below have committed no error of law and fact while declining the claim put-forth by the plaintiff. No question of law, what to talk of substantial question of law requiring determination, arises in this appeal, which has no merit.

Dismissed.

October 16, 2015
jk

(SURINDER GUPTA)
JUDGE