

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12245 OF 2015

Dr. Madan Mohan Singh s/o
Amarsingh Khalsa

.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Mrigesh D. Narwadkar, Advocate for the Petitioner.

Miss. S. S. Raut, A. G. P. for the Respondent No. 1.

Respondent No. 2 and 4 served.

Shri P. P. Mandlik, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 06TH JUNE, 2016.

PER COURT :

. Mr. Narwadkar, the learned counsel for the petitioner submits that, the respondent/Gurudwara Board has taken a decision to allot the 'Kar-Seva' for gold plating over the main holy structure of Gurudwara to the individuals. The same is done without preparing any blue print. No transparency is depicted in the process of allotting the said 'Kar-Seva' to the individuals. As per the bye laws and the Act, it is the Gurudwara Board which is under obligation to perform the said work. These individuals would receive the donations, which is not permissible. The Board

has to account for all the donations received.

2. Mr. Mandlik, the learned counsel for the respondent No. 3/Gurudwara Board submits that, the petitioner has an alternate and efficacious remedy by way of an appeal U/Sec. 46 of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956 (for short "Gurudwara Act"), so also by way of revision U/Sec. 47 of the Gurudwara Act. The learned counsel submits that, it has been stated on affidavit by the Gurudwara Board that, the procedural and legal formalities as to preparation of the agreement, blue print for the work and accountability regarding the amount of gold that will be used/required are in progress and no work would be started against the provisions and the rules of the Gurudwara Act. The donations would not be collected by the individuals, but whatever donations are received, would be accounted in the Gurudwara Board's account for the purpose of the 'Kar-Seva' in question.

3. We have gone through the affidavit in reply filed by the Gurudwara Board. The blue print for the work is not yet prepared and it is stated on oath that, it is only after the agreement is executed blue print for the work and accountability regarding the relevant aspects are prepared, then only the work would be started. It is also clarified by the learned counsel for the respondent No. 3/Gurudwara Board that, no donations would be received by the individuals and whatever donations would be

received from the devotees, the same would be credited in the account of the Gurudwara Board. It is but natural that the Gurudwara Board would get the work done through the other agencies/persons, however the Gurudwara Board will have to supervise, oversee and would be accountable for the work that is done.

4. In light of the above, the Writ Petition is disposed of. No costs

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 16