

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.12229 of 2015

Date of Decision:07.12.2016

**Committee of Management of Gurdwara Damdama Sahib
.....Petitioner**

Vs.

**Shiromani Gurdwara Parbandhak Committee and another
.....Respondents**

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. P.S. Guliani, Advocate for the petitioner.

Mr. Gurminder Singh, Sr Advocate with
Mr. R.P.S. Bara, Advocate for respondent No.1.

RAKESH KUMAR JAIN, J.(Oral)

The petitioner is Committee of Management of Gurdwara Damdama Sahib, Granthian, Tehsil Batala, District Gurdaspur, a notified Gurdwara which is governed by the Sikh Gurdwara Act, 1925 (for short, 'the Act').

Counsel for the petitioner has submitted that the Gurdwara is managed by a Committee duly constituted in terms of Sections 87 and 88 of the Act. It is further submitted that if the income of the Gurdwara is more than Rs.1 lac, the Committee is constituted by way of an election in which four members are elected and notified on 1.2.2006. Fifth member is nominated by the SGPC and notified by the State Government on 16.10.2006. The petitioner came to this Court when SGPC had appointed one Manager. The petitioner has prayed for a writ in the nature of prohibition seeking a direction to the respondents not to interfere in the

functioning of the management of the Gurdwara on the ground that the power vests with the Committee to run the affairs of the Gurdwara and the SGPC has no role to play in it.

On the other hand, learned counsel for the respondent has submitted that the SGPC has a right, in terms of Section 125 of the Act, but at the same time, it is submitted that appointment of Manager has already been withdrawn. Therefore, grievance of the petitioner at present is over. It is also submitted by counsel for the respondents that the respondents are not interfering in the management of the Gurdwara as of now.

In view of the above, counsel for the petitioner does not want to press this petition and the issue with regard to power of SGPC under Section 125 is also not decided.

Consequently, the present petition is disposed of.

December 07, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No