

CWP No.16954 of 2016

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

**CWP No.16954 of 2016
Date of decision:14.09.2016**

Meena @ Abdul Gani Hazi Chela Sohan Hizara ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amitoj Singh Dhaliwal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed to challenge the order dated 05.08.2015
passed by the Arbitration Committee.

In short, the petitioner has a dispute with respondent No.8 in
particular who had filed CWP No.6419 of 2014 titled as “Bobby Mahant vs.
Union of India and others” in which she had alleged that she belongs to
Eunch community and is owner of the land gifted to her by her community.
The grievance of the petitioner in that petition was that some persons, who
were posing themselves belonging to her community, were interfering in
their work of taking care of the Mandir which was made by their ancestors
and the Gurudwara constructed on their land. It was also submitted therein
that the persons, who were collecting money by posing themselves
belonging to her community and consuming intoxicants or alcohol, be

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restrained from interfering in their ancestral area. That writ petition was disposed of without expressing any opinion on the merits of the case with a direction to the Senior Superintendent of Police, Moga and the Deputy Commissioner, Moga, to look into the representations dated 18.02.2014 and pass appropriate orders in accordance with law. Pursuant to that order, the three-members committee was constituted who had looked into the grievance and ultimately decided the matter against the petitioner herein and in favour of respondent No.8.

Aggrieved against that order, the present petition has been filed.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that the issue involved in this case is especially of civil nature, for which the petitioner has to file a suit for declaration as the issue “whether the petitioner is entitled to collect Wadhai etc. being an Enoch in the area in which respondent No.8 is operating” can be decided only after taking oral as well as documentary evidence on record.

Thus, no relief can be granted in this petition to the petitioner.

Consequently, the present petition is hereby dismissed on this ground alone.

September 14, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No