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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 21.03.2017

1.

CWP-20262-2003

Gram Panchayat, Teora

... Petitioner(s)

Versus

Financial Commissioner, Haryana and others

... Respondent(s)

2.

CWP-9662-2003

Shivala Mahadev Ji situated at Village Teora, Tehsil Thanesar, District Kurushetra through Gurnam Singh, Worshiper and another

... Petitioner(s)

Versus

Financial Commissioner, Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Anil Khetarpal, Senior Advocate with
Mr. Saurabh Garg, Advocate
for the petitioner(s) in CWP-9662-2003 and
for respondent Nos.4 & 5 in CWP-20262-2003.

Mr. Sandeep Thakar, Advocate for
Mr. S.P. Laler, Advocate
for the petitioner(s) in CWP-20262-2003.

Mr. Rabjir Singh, AAG, Haryana.

Mr. Bhag Singh, Advocate
for respondent No.3 in both writ petitions.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two writ petitions bearing

CWP No.20262 of 2003 titled as **“Gram Panchayat, Teora V/s Financial**

Commissioner, Haryana and others” and *CWP No.9662 of 2003* titled as *“Shivala Mahadev Ji situated at Village Teora, Tehsil Thanesar, District Kurushetra through Gurnam Singh, Worshiper and another V/s Financial Commissioner, Haryana and others”*.

Prayer in the present writ petitions is for issuance of a writ in the nature of *certiorari* for quashing of the order dated 24.04.2003 (corrected on 04.06.2003) (Annexure P-15) and also for quashing of order dated 20.08.2002 (annexure P-13) and to issue a writ of mandamus for restoration of orders dated 27.03.2001 (Annexure P-7), passed by the Assistant Collector, 1st Grade, Thanesar.

Learned counsel for the petitioner(s) submits that an application under Section 14-A(1) of the Punjab Security of Land Tenures Act, 1953 had been allowed by the Assistant Collector, 1st Grade, Thanesar vide order dated 27.03.2001 and upheld by the Collector vide order dated 29.05.2001 (Annexure P-9). However, the Commissioner vide order dated 20.08.2002 (Annexure P-13) set aside the order dated 29.05.2001 (Annexure P-9) and remanded back the matter to the Collector, Kurukshetra on the premise that certain points of the tenants were not addressed. However, the matter when taken up before the Financial Commissioner by the Gram Panchayat and as well as by the worshiper, has been dismissed on the ground that rent petition at the behest of the worshiper was not maintainable, but with a caveat that in case, the possession and control of the Mandir between the passing of the orders of Collector and by the Financial Commissioner, is handed over, then the status quo in favour of the tenants, would be passed.

Be that as it may, the fact remains that in the record, Mandir

has been recorded as owner. It would only be the Priest/Pujari, who is having a right to file a petition seeking eviction on the grounds stated in the writ petition, but not by the Worshiper and as well as by the Gram Panchayat.

In case any remedy is availed by the Pujari, the findings rendered by the Financial Commissioner, would not come in the way, in essence, that petition would not be hit by the "*Doctrine Akin to Res Judicata*".

Even otherwise, this Court has not been apprised of the fact the outcome of the order passed on account of remand, dehors of the fact that the order has been passed, liberty, aforementioned, as granted with a rider shall continue to be in force.

With the aforesaid observations the writ petitions are disposed of by upholding the orders of the Financial Commissioner.

21.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No