

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

CR-2860 of 2018 (O&M)

Date of decision: 10.12.2018

Phangan Singh and others

...Petitioner(s)

Versus

Talwinder Singh and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None for the petitioner(s).

Mr. P.S. Guliani, Advocate
for respondent no.1.

AMOL RATTAN SINGH, J. (Oral)

Though learned counsel for the petitioners has not appeared in the post lunch session to argue the matter, with in fact even in the morning another learned counsel having represented Mr. Pardhuman Garg for the petitioners, it is seen that the impugned order in this case also does not disclose any reasons for restraining the petitioners (respondent nos.1 to 3 before the Commission), from working as President and members respectively of the Local Gurudwara Prabandhak Committee of Gurudwara Damdama Sahib Patshahi Chhevin, Sri Hargobindpur, Tehsil Batala, District Gurdaspur.

After reproducing the arguments and pleadings of both sides, the following order has been passed by the Tribunal:-

“Arguments heard. We have gone through the

petition/application, written statement/reply to application and documents on the file. A prima facie is made out to restrain the respondents No.1 to 3 i.e. President and Members of the Gurdwara Sahib in question and for appointment of receiver. Hence, we hereby restrained the respondents No.1 to 3 from working as President and Members respectively of the Gurdwara Sahib and appoint S. Gurmukh Singh son of S. Piara Singh Village Tibber, Tehsil and District Gurdaspur as Receiver of Gurudwara Damdama Sahib Patshahi Chhevian Sri Hargobindpur, Tehsil Batala, District Gurdaspur for the betterment of Gurdwara Sahib and its property till further order.”

Thereafter, the method of functioning of the Receiver has been enumerated in the following paragraph, with the terms and conditions of his office given thereafter.

Consequently, no reasoning having been given whatsoever for restraining the petitioners from working as the President and Members of the managing committee of the Gurudwara, this petition is allowed with the impugned order set aside.

In view of the fact that Mr. Guliani, learned counsel for respondent no.1, submits that as a matter of fact the proceedings before the Tribunal are at the absolute fag end and consequently the order that has been passed in CR No.5881 of 2018 (today itself), directing the tribunal to pass a fresh interim order need not be passed in the present petition.

Learned counsel for the petitioner does not refute the factual position. That being so, learned counsel having fairly brought the correct position before this Court, nothing further needs to be said, except that

the petition before the Commission, itself be decided within a period of two months from today.

10.12.2018

sumit.k

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No