

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

**CWP-18694-2014**

**Date of decision: 15.10.2018**

**Jai Shiv Mandir Sewa Samiti  
Village Maranwala, Teh. Kalka,  
District Panchkula**

**...Petitioner**

**Versus**

**Permanent Lok Adalat for Public Utility Services  
and others**

**...Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Manoj Bajaj, Advocate for respondent No. 1.

Mr. Jasdeep Singh, Advocate for respondent No. 2.

Mr. P.S. Poonia, Advocate for respondents No. 3 and 4.

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**Ritu Bahri, J. (Oral).**

The petitioner is seeking quashing of order dated 21.08.2014 (Annexure P-6) whereby respondent No. 1 Permanent Lok Adalat for Public Utility Services Panchkula had given a direction to respondent Uttar Haryana Bijli Vitran Nigam Limited to restore the electricity connection.

The case set up by the present petitioner is that respondent No. 2-Mahant Madan Giri was appointed as Pujari for worshipping the idol of the Mandir. The Mandir is maintained by Jai Shiv Mandir Sewa Samiti Village Maranwala, Teh. Kalka, District Panchkula. With the consent of General House of the Society, the services of respondent No. 2 (Pujari) had been terminated and he was asked to hand over the vacant possession and legal notices were issued. Respondent No. 2 filed a civil suit for permanent injunction restraining the petitioner and other persons from interfering in the

possession along with the application for injunction. The injunction application was rejected by the trial Court vide order dated 01.03.2013 (Annexure P-1) and appeal against the said order was also dismissed vide order dated 05.03.2014 (Annexure P-2). Thereafter the petitioner sent a legal notice for handing over the possession (Annexure P-3) and finally suit for mandatory injunction was filed (Annexure P-4). The respondent No. 2 thereafter filed a petition under Section 22-C of the Legal Services Authority Act, 1987 for restoration of the electricity supply by concealing all the above facts and without impleading the petitioner as party. The Permanent Lok Adalat allowed the application vide order dated 21.08.2014 (Annexure P-6) and directed Uttar Haryana Bijli Vitran Nigam Limited to restore the electricity. The object of respondent No. 2 was to get electricity connection in his name so that he could grab the property of Mandir. The petitioner has placed on record photographs (Annexure P-5) to show that the Mandir is providing basic amenities to the community at large and dharamshala is being used for inhabitants for various social functions.

On notice, written statement has been filed by respondent No. 2 taking the plea that he was appointed as Mahant of Jai Shiv Mandir Sewa Samiti Village Maranwala, Tehsil Kalka, District Panchkula after the death of his father. Earlier there was one kutia which was situated in the premises of Mandir and thereafter 3-4 houses were constructed. After sometime, the villagers decided to renovate the temple and wanted to demolish the old houses situated in the premises of Mandir. The villagers decided that they will provide 50X50 size plots at the backside of Mandir. The house in which respondent No. 2 was residing, had a meter connection in his name and application before the Permanent Lok Adalat was made to

change the old meter connection which was running in his name to the new house constructed by him. Copy of the electricity bill has been placed on record as Annexure R-2/1 and agreement of the new house as Annexure R-2/2. He has admitted that Mandir is reflected as owner in possession. Respondent No. 2 in his written statement has not denied that his suit for permanent injunction had been dismissed vide order dated 01.03.2013 (Annexure P-1) and even his appeal was dismissed vide order dated 15.03.2014 (Annexure P-2).

A perusal of the orders Annexures P-1 and P-2 shows that concurrent fact of finding has been given that the suit land had been purchased by Mandir as per sale deed dated 17.11.1977 and the sale deed had been made in favour of the Mandir by the natives of village Marhawala of land comprising Khasra No. 1125/1050 (0-4) is recorded as Gair Mumukin Shivala and this land is existed in the ownership of Gram Panchayat and function of Pujari is only to pay his obeisance (Puja) in the Mandir and not to manage the other affairs of the Mandir. The land was purchased on 17.11.1977 and the respondent No. 2- Pujari was appointed as Mahant on 15.01.2011 and his date of birth is 19.12.1971. On the date of purchase he was only 07 years of age and since date of purchase, Shiv Sewa Samiti was managing the temple and after being appointed as Pujari on 15.01.2011, his claim is that he is staying in his Mandir for the last 50 years, his suit has been rejected and the appeal was dismissed by the Lower Appellate Court with the cost of Rs.1,000/-. The respondent No. 2 then approached the Permanent Lok Adalat and did not disclose the above said facts and the award dated 21.08.2014 (Annexure P-6) was passed in his favour only for restoring the electricity connection. Since the services of

Pujari have now been terminated by the petitioner-society, the respondent No. 2 cannot be allowed to take advantage of getting electricity connection in his name when he has no right to stay in the premises. He was appointed as Pujari in the year 2011 and neither he is owner of the land and nor the house which consists in the premises of Mandir.

Writ petition is allowed and the award dated 21.08.2014 (Annexure P-6) is set aside.

15.10.2018

Divyanshi

(RITU BAHRI)  
JUDGE

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |