

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.12965 of 2018 (O&M)  
Date of decision: 29.5.2018

Gurcharan Singh

...Petitioner

Versus

Shriomani Gurudwara Parbandhak Committee and others

...Respondents

**Coram: Hon'ble Mr.Justice Rakesh Kumar Jain**

Present: Mr.Manish Kumar Singla, Advocate for the petitioner.

Dr.Puneet Kaur Sekhon, Advocate for respondents No.1 to 3.

Mr.Mehardeep Singh, Addl.AG Punjab for respondents No.4  
and 5.

Mr.H.S.Sethi, Advocate for respondent No.6.

**Rakesh Kumar Jain, J.(Oral)**

The petitioner is the President of the Local Gurudwara Prabandhak Committee, Gurudwara Sahib Nanaksar Cheema, Tehsil Sunam, District Sangrur. Sikh Gurdwara Judicial Commission, Amritsar vide its order dated 7.4.2018 restrained the petitioner from working as President of the Gurudwara Sahib Nanaksar Cheema and appointed Uday Singh s/o S.Kartar Singh resident of village Longowal as receiver. The said order dated 7.4.2018 was challenged by the petitioner alongwith two other members of the Committee by way of FAO No.1972 of 2018. The said appeal was allowed and the order dated 7.4.2018 was set aside. The matter was remanded back to the Commission to pass a fresh order in accordance

with law.

As soon as the order was passed by this Court on 23.4.2018, the petitioner started making representations to the SHO, P.S. Cheema, District Sangrur, SSP Sangrur, Secretary, SGPC Sri Amritsar Sahib for taking back the reins of the Gurudwara Sahib from the receiver. Since his representations did not make any effect on the said Authorities, therefore, the petitioner filed the present writ petition for seeking direction to respondents No.1 to 3 to hand over the charge of the Gurudwara Sahib to him after taking back from respondent No.6, who has been continuing as receiver despite the fact that his appointment has been set aside way back on 23.4.2018 by this Court.

After notice was issued, the respondents have put in appearance. Sh.H.S.Sethi, learned counsel appearing on behalf of respondent No.6 has submitted that after his appointment as receiver, he had to create a new record because the earlier Management did not hand over the record. He was apprehensive that in case the record is handed over to the present Management much less the President/petitioner, the same may not be tempered with for the purpose of involving him in some case of malfeasance.

Sh.Manish Kumar Singla, Advocate appearing on behalf of the petitioner has submitted that the petitioner is more interested in taking the charge of the Gurudwara Sahib because the receiver does not have any legal right to continue as such after his appointment has been set aside on 23.4.2018. He has rather submitted that respondent No.6 may keep the record upto the date available with him in sealed cover which he has created after his appointment on 7.4.2018 and may hand it over to the Manager,

Gurudwara Sahib.

At this stage, Mr.H.S.Sethi, Advocate has raised no objection and has submitted that he would hand it over to the Secretary of the SGPC, Sri Amritsar. He has rather fairly submitted that respondent No.6 would cooperate in this regard.

In view of the aforesaid understanding and observations, the present petition is disposed of with a direction to respondent No.6 to hand over the charge today itself to the Manager of the Gurudwara Sahib so that the present Committee may start functioning even from today itself and shall hand over the record in a sealed cover to the Secretary of the SGPC.

Copy of the order be given dasti to the counsel for the parties.

**May 29, 2018**  
Meenu

**(Rakesh Kumar Jain)**  
**Judge**

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