

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

RSA No.1851 of 2017 (O&M)

Date of decision : 16.05.2018

Mahant Manohari Dass @ Mahant Manohar Dass

...Appellant

Versus

General Public and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Bhupinder Singh Bairagi, Advocate for the appellant.

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**ANIL KSHETARPAL, J. (ORAL)**

**CM No.4484-C of 2017**

For the reasons stated in the application, which is duly supported by an affidavit, delay of 47 days in filing the present appeal is condoned.

Application is allowed.

**Main Case**

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while dismissing the suit filed by the plaintiff for declaration claiming that he is managing the religious property as a Mahant.

Both the Courts below have noticed that in the year 2003, Gram Panchayat who is owner of the property, had filed the proceedings under Section 7 of the Punjab Village Common Lands Act against the then

Mahant which resulted into his eviction vide order dated 26.05.2004. The Courts have further noticed that the plaintiff is not proved to be the Mahant of the religious property.

Learned counsel for the appellant has submitted that in the earlier proceedings, Prabhu Dass Chela Mahant Bhagwan Dass was impleaded i.e. Prabhu Dass was Chela of Gokal Dass. He also submitted, that the eviction proceedings were initiated against different person as although the name of the Mahant was same but name of his Guru was wrongly mentioned.

Merely because name of his Guru is different would not change the person against whom order of eviction was passed. No evidence has been led to prove that there was some other Prabhu Dass, in possession of the property. The eviction proceedings were initiated with respect to the land in dispute i.e. measuring 164 kanals and 5 marlas. Khasra numbers as mentioned in the present suit as well as in the earlier proceedings are same. Still further, no evidence has been led to prove that the plaintiff was ever appointed as Mahant of the religious institution.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

**16.05.2018**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes/No**

**Whether reportable:-                                      Yes/No**