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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6377/2018 & CM No. 24518/2018

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Date of decision: 1st June, 2018

**DELHI SIKH GURDWARA MANAGEMENT COMMITTEE AND
ORS.**

..... Petitioners

Through : Mr. A.P.S. Ahluwalia, Sr. Adv.
with Mr. A. K. Mishra, Mr.
Harpreet Singh Hora and Mr.
Amit Kr. Sharma, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr. Kirtiman Singh, CGSC and
Mr. Waize Ali Noor, Adv.for R-
1/UOI
Mr. Gautam Narayan, ASC-
GNCTD with Mr. Abhinav
Goyal, Ms. Mahamaya
Chatterjee, Advs. with Mr. Vinod
Kr. (Section Officer)

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE S.P. GARG

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition seeks the following prayers :-

*“1. It is, therefore, most respectfully prayed that this
Hon’ble Court may be pleased to issue a*

writ/order/direction in the nature of writ of mandamus or any other writ/order/direction in the similar nature for :-

declaring the provisions of Section 4(b)(ii) of Delhi Sikh Gurdwara Act, 1971 as ultra vires (to the Delhi Sikh Gurdwara Act, 1971) and unconstitutional to the extent the same creates an unreasonable and undue classification amongst Five Takhats of Sikh Religion and Faith resulting into the undue exclusion of Fifth Takhat Sahib (The Holy Takhat Sri Damdama Sahib, Talwandi Sabo) from Section 4(b)(ii) of Delhi Sikh Gurdwara Act, 1971,

or in the alternative,

Read down the provisions of Section 4(b)(i) of Delhi Sikh Gurdwara Act, 1971 as including the Fifth Takhat SAhib (The Holy Takhat Sri Damdama Sahib, Talwandi Sabo) also in Section 4(b)(ii) of Delhi Sikh Gurdwara Act, 1971 in addition to the existing Four Akal Takhat,

or in the alternative,

Direct the Respondent Nos. 1 and 2 to apply the notification dated 23/04/1999 to section 4(b)(i) of Delhi Sikh Gurdwara Act, 1971 also in the similar manner as has been done with respect to Section 43 of the Sikh Gurdwara Act, 1925.”

2. The petitioner submits that it has made several representations, the last being on 3rd March, 2018 which have not been considered by the respondents. Let the matter be first considered by the respondents

and a view taken thereon within three months from today. The decision of the respondents shall be conveyed to the petitioner.

3. This writ petition and application are disposed of in the above terms.

4. It shall be open for the petitioner to avail an appropriate remedy against the consideration by the respondents, in accordance with law.

ACTING CHIEF JUSTICE

S.P. GARG, J

JUNE 1, 2018/kr

नित्यमेव जयते