

CWP-PIL-31 of 2019

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-PIL-31 of 2019
Date of decision: 10.05.2019

Court on its ow motion

... Petitioner

Versus

State of Haryan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Vikas Bahl, Senior Advocate (Amicus Curiae), with
Mr. Nikhil Sabharwal, Advocate,
for the petitioner.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

After an enquiry, the District and Sessions Judge, Ambala, along with his report, had forwarded the matter to this Court, which was registered as a Public Interest Litigation, in view of the order and judgment dated 5.7.2018 passed by the Hon'ble Apex Court, in **Writ Petition (Civil) No. 649 of 2018, (Mrinalini Padhi Vs. Union of India)**. For, it was directed therein if any devotee moves the jurisdictional District Judge throughout the India with any grievance on the above aspect, the District Judge may either himself/herself or by assigning the issue/matter to any other Court under his/her jurisdiction examine above aspects and if necessary send a report to the High Court.

Vide order dated 4.2.2019, we requested Sh. Vikas Bahl, learned senior Advocate, assisted by Sh. Amandeep Singh, Advocate, and Ms. Priyanka Kansal, Advocate, to assist us as Amicus Curiae in this matter.

The Amicus Curiae, after going through the enquiry report of the Additional District and Sessions Judge, Ambala, as also after carrying out spot inspection by his assisting counsel, has submitted a report to the following effect:-

- i) That in the present case, there are several disputed question of facts which need adjudication.**
- ii) A civil suit has already been filed by the complainants, Anoop Singh and Dalbir Singh, against the Mahants and the Thakurdwara, which is pending adjudication.**
- iii) Two earlier complaints filed against the Mahants leveling almost similar allegations, have been dismissed and in one of the complaints, it has been categorically observed that the same has been filed on account of personal vendetta between the parties.**
- iv) A perusal of the enquiry report would show that serious allegations with respect to illegal transfer of ownership, illegal mining of soil etc., have been found to be baseless.**
- v) The photographs which have been taken on record would show that the Temple premises is a very small premises.**

In view of the aforesaid report by the learned Amicus Curiae and particularly the fact that a civil suit involving identical questions of facts, filed by the complainants against Mahants and the Thakurdwara, is already pending adjudication before the civil court, where the matter can be more effectively adjudicated upon, on the basis of evidence, this Public Interest Litigation, registered on the report of the Additional District and

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Sessions Judge, is not liable to continue on board any further and the proceedings accordingly stand closed and consigned to record.

The Court record its appreciation for the assistance rendered in the matter by Sh. Vikas Bahl, learned Senior Advocate, along with assisting counsel, namely Sarva Sh. Amandeep Singh, Nikhil Sabharwal, Rohan Jain, and Ms. Priyanka Kansal.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 10, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO