

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.6240 of 2016(O&M)

Date of Decision:-16.01.2019

**Gurudwara Dukh Nivaran Sahib, Village Sohian, Tehsil Jagraon,
District Ludhiana through its President Managing Committee Sukhdev
Singh.**

.....Petitioners.

Versus

**Director Rural Development and Panchayat Department, Punjab &
Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Nakul Sharma, Advocate for the Petitioner.

Mr. H.S. Grewal, Additional Advocate General, Punjab
assisted by Mrs. Lakhwinder Kaur, BDPO, Sudhar, Ludhiana.

Mr. Jagjot Singh Lalli, Advocate for respondent no.3-
Gram Panchayat Sohian.

JASWANT SINGH, J.(ORAL)

Petitioner Gurudwara Dukh Nivaran Sahib was constructed over 04 Kanals out of the total 15 Kanals & 05 Marlas of *Shamlat* land of village Sohian, Tehsil Jagraon, District Ludhiana in unauthorised possession of the management of the Gurudwara.

The Gram Panchayat filed an eviction petition under Section 7 of The Punjab Village Common Lands (Regulation) Act 1961 seeking vacant possession of the aforesaid 15 Kanals of land in unauthorised possession of the Petitioner-Gurudwara Sahib. The same was partly allowed

vide order dated 15.10.2010 (P-8) passed by the Collector-cum-BDPO Ludhiana, whereby except 3 Kanals and 16 Marlas of land over which the constructed portion of the Gurudwara Sahib existed, the remaining abutting land was ordered to be restored to the Panchayat. The appeal filed by the petitioner-Gurudwara was dismissed vide order dated 06.08.2015 passed by the Commissioner (P-12). Hence the present writ petition.

This Court while issuing notice of motion on 09.05.2016, had directed the counsel for the petitioner to seek instructions from the President of the Managing Committee of the Petitioner-Gurudwara with regard to handing over the complete management of the Gurudwara Sahib of the Gram Panchayat.

At the time of hearing today, learned Counsel for the Petitioner Gurudwara Sahib states that the writ petition bearing CWP No.10036 of 2010 earlier filed by the petitioner with regard to the saving of the constructed portion from demolition was allowed. He has further filed an affidavit dated 16.01.2019 of Sh. Sukhdev Singh, President of the Managing Committee of the petitioner-Gurudwara in Court. Copy of the same has been supplied to the counsel opposite. Same is taken on record as Annexure Mark-A.

The para no.2 of the affidavit reads as under:-

“ That the deponent is ready to hand over the management as well as possession of the Gurudwara Sahib to the Gram Panchayat. ”

In compliance of the previous order Mrs. Lakhwinder Kaur, BDPO Sudhar, Tehsil Raikot, District Ludhiana is present in Court. She states that the possession of 11 Kanals and 5 Marlas of vacant *Shamlat* land in unauthorised possession of the Petitioner-Gurudwara stands restored to

the Gram Panchayat way back on 26.12.2014.

Counsel for the Gram Panchayat Sohian, Tehsil Jagraon, District Ludhiana acknowledges the said position.

In view of the affidavit dated 16.01.2019, the Management of the Gurudwara is/are directed to hand over the complete possession of the Gurudwara including its Management to the Gram Panchayat, Sohian under the aegis of the BDPO on any working day within next 15 days. The District Administration would provide all necessary help to the BDPO as and when needed for the peaceful transfer of such possession and Management. The necessary corrections in the Revenue Record be also made in accordance with law.

Disposed of in the above terms.

Petitioner-Gurudwara shall be bound by its statement.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

January 16, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>