

104
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16771 of 2020
Date of decision: 12.10.2020

Zile Singh and others

..... Petitioners

V/s.

Deputy Commissioner, Karnal, and another

..... Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ashish Aggarwal, Senior Advocate assisted by
Ms. Aashna Aggarwal, Advocate, for the petitioners.

Mr. Rajesh Gaur, Additional Advocate General, Haryana and
Mr. Minderjeet Yadav, Deputy Advocate General, Haryana.

Sanjay Kumar, J.

The petitioners, seven in number, are residents of Village Sita Mai, Teshil Nigdhu, District Karnal. Their grievance is with regard to the Mata Sita Mandir, a temple situated in Village Sita Mai, which is stated to be in dilapidation due to the failure to undertake its repairs and maintenance.

This temple was the subject matter of consideration in Civil Suit No.322 of 1999 on the file of the learned Civil Judge (Junior Division), Karnal, a suit filed under Section 92 CPC. The said suit was decreed on 04.02.2004, leading to the several appeals and cross-objections being filed

before the learned Additional District Judge, Karnal, in Civil Appeal No. 81 of 2005 and batch. These appeals were disposed of by common judgment dated 23.01.2007, affirming the judgment and decree dated 04.02.2004 passed by the trial Court.

In consequence, the Deputy Commissioner, Karnal, was required to form a Committee comprising inhabitants of Village Sita Mai, which would be in charge of the affairs of the temple as well as the entire property owned by it. The Committee was given the responsibility to maintain proper accounts and in the event it was found that any monies of the temple had been misappropriated, the Committee was liable to civil and criminal prosecution for such misappropriation.

Mr. Ashish Aggarwal, learned senior counsel appearing for the petitioners, would concede that execution proceedings would be the proper remedy in the event the aforesaid judgment is not given effect to, but would contend that owing to the present situation caused by the prevailing Covid-19 pandemic, it would not be possible for the Executing Court concerned to take up the matter, even if such execution proceedings are initiated. Learned Senior Counsel would state that the temple is in utter disrepair and if urgent steps are not taken to remedy the situation, the consequences may be irreversible. He would further state that the Deputy Commissioner, Karnal, the first respondent herein, is not taking all possible measures to implement the judgment and decree of the Civil Court referred to *supra*. This Court finds merit in the submissions.

Mr. Rajesh Gaur, learned Additional Advocate General, Haryana, would state on instructions from the Deputy Commissioner,

Karnal, that all necessary measures would be taken within a period of three months. The assurance given by the learned Additional Advocate General upon specific instructions from the Deputy Commissioner, Karnal, is taken on record.

In the light of this undertaking given by the Deputy Commissioner, Karnal, it would not be necessary for this Court to relegate the petitioners to the remedy of execution proceedings at this stage. It would always be open to them to take recourse to such a remedy in future, if warranted. For the moment, it will suffice to record the undertaking of the Deputy Commissioner, Karnal, that necessary steps would be taken in terms of the Civil Court's directions within three months from today. The Deputy Commissioner, Karnal, shall also address the immediate necessity, if any, for undertaking repairs of the temple and ensure that the Committee, if one is already constituted or to be constituted within the aforesaid period of three months, addresses that issue with utmost expedition and urgency.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

(SANJAY KUMAR)
JUDGE

12.10.2020

rakesh

whether speaking/non speaking

: Yes/no

whether reportable/non reportable

: Yes/no