

Sr. No.113

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

CWP No.20532-2020

Date of Decision: 02.12.2020

Mandir Sita Mai

...Petitioner

Vs.

Deputy Commissioner, Karnal

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.D.Bawa, Advocate,
for the petitioner.

Ms. Ranjana Shahi, Additional A.G., Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, inter alia, seeks issuance of a writ in the nature of mandamus directing the respondent to recover the rent of land declared surplus in terms of order dated 12.07.1999 (Annexure P-2) passed by Learned Financial Commissioner, Haryana.

2. Learned counsel for the petitioner contends that in view of order dated 12.07.1999 (Annexure P-2) passed by the Learned Financial Commissioner read with order dated 26.10.1999 (Annexure P-3) passed by a Division Bench of this Court, the petitioner temple is entitled to recover rent from the tenants on above said land. Consequently, the Deputy Commissioner having been appointed incharge of the affairs of the temple, vide order dated 04.02.2004 (Annexure P-4), is duty bound to collect the rent from the tenants.

3. Learned counsel for the petitioner further submits that, petitioner submitted an application dated 12.07.2019 (Annexure P-6) followed by reminder dated 24.07.2020 (Annexure P-7) to the respondent

but the same have not been adverted to by the respondent till date. Hence, the instant petition.

4. Learned counsel for the petitioner submits that he would be satisfied, at this stage, if instant petition is to be disposed of with a direction to take a final decision on pending application dated 12.07.2019 (Annexure P-6) within a stipulated time frame.

5. Given the nature of order being passed, there is no necessity to seek return by the respondent, therefore no notice is being issued to the respondent.

6. Without commenting on the merits of the case, writ petition is disposed of with a direction to the competent authority to look into the application/representation dated 12.07.2019 (Annexure P-6) and also by keeping in view the orders/judgments rendered by learned Financial Commissioner and Division Bench of this Court contained at Annexures P-2 and P-3, respectively and decide the same by passing a speaking order, in accordance with law, as expeditiously as possible. Contentions in the present petition would also be gone into by treating those as supplementary representation.

7. Disposed of accordingly.

DECEMBER 02, 2020

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable

Yes/No