

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

CWP No. 10726 of 2021

Date of Decision: June 29 , 2021.

Mandir Mata Sita Ji through Mahant Abhinav Dass PETITIONER

Versus

Deputy Commissioner, Karnal and another RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Ashish Yadav, Addl.AG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ petition is for a direction to the respondents to reconstruct 25 rooms attached to the building of the petitioner temple and separate accommodation provided to two Pujaris and one Safai Sewak, which are alleged to have been demolished by the respondents in the garb of carrying out repairs.

It is submitted that the said exercise was carried out purportedly in

compliance of order dated 12.10.2020 in CWP No.16771 of 2020 (Annexure P8). It is however submitted that there was no direction, whatsoever, in the said order to demolish any part of the temple. Therefore, the respondent-authorities illegally demolished the building attached to the petitioner temple and are thus liable to reconstruct the same.

It is to be noticed that the issue regarding appointment of Mahant Abhinav Dass (through whom this petition has been filed) as Mahant of petitioner temple was admittedly decided on 21.07.2011 by the learned Civil Judge (Junior Division), Karnal. Said civil suit had been filed by Zile Singh and others for removal of Mahant Basheshwar Dass from Mahantship of the Dera/Math/Mandir amongst other reliefs. Mahant Abhinav Dass claims to be the successor of Mahant Basheshwar Dass. Learned Civil Judge (Junior Division), Karnal vide judgment and decree dated 04.02.2004 directed that in place of Mahant Basheshwar Dass, Deputy Commissioner, Karnal shall be incharge of the affairs of the temple as well as entire property which is attached with it and he shall look after the same. Said judgment and decree was modified by the learned Additional District Judge, Karnal vide judgment and decree dated 23.01.2007 wherein Deputy Commissioner, Karnal was directed to form a Committee from the inhabitants of village Sitamai including the plaintiffs which shall be Incharge of the affairs of the temple as well as entire property attached thereto and it will look after the same. Admittedly, a number of Regular Second Appeals arising therefrom are pending. Some writ petitions in respect to the property in question are also pending. CWP No.16771 of 2020 was filed by Zile Singh and others claiming that the temple in question is

in a state of dilapidation, due to failure to undertake its repairs and maintenance. CWP No.16771 of 2020 was disposed of vide order dated 12.10.2021, Annexure P8, with a direction to the Deputy Commissioner, Karnal to take necessary measures for undertaking repairs of the temple with utmost expedition and urgency. Undertaking of the Deputy Commissioner, Karnal was noted that necessary steps in terms of the court's direction would be taken within three months. It is further directed that 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.

It is averred in the present petition that in the garb of carrying out repairs of the temple, respondents have demolished 25 rooms attached to the building of the temple and other portion, which is in violation of order dated 12.10.2020 in CWP No.16771 of 2020.

Mr. Ashish Yadav, Addl.AG, Haryana, to whom advance copy of the petition has been supplied, on instructions from Mr. Brij Mohan, DA, office of Deputy Commissioner, Karnal, submits that no part of the main building/Mandir/temple has been demolished. It is only that part of the building, which was unfit and unsafe for human habitation being in a state of total dilapidation which was pulled down. Furthermore, tenders have been floated for reconstruction of the portion demolished and necessary action shall be taken strictly in terms of order dated 12.10.2020 in CWP No.16771 of 2020.

Learned counsel for the petitioner is unable to deny that no orders

are called for at this stage, in the factual matrix as above. It is however submitted by learned counsel for the petitioner that reconstruction and repair should be carried out in a time bound manner. Needless to say, it is expected that the necessary work shall be carried out expeditiously, in accordance with law.

Writ petition is accordingly disposed of.

It is clarified that there is no expression of opinion on the capacity/locus/entitlement of the petitioner to file this petition and neither is the same to be construed in any manner.

June 29 , 2021.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No