

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

1. CWP-14866-2019(O&M)

**Sri Guru Granth Sahib Ji Gurudwara Parbandhak committee
through its President**

.....Petitioner

Versus

State of Punjab and others

.....Respondents

2. CWP-7405-2020(O&M)

Gurudwara Shri Guru Granth Sahib Singh Sabha

.....Petitioner

Versus

State of Punjab and others

.....Respondents

Date of decision: 18.01.2021

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present:- Mr.G.S.Attariwala, Advocate, for the petitioner
in CWP-14866-2019 and
for respondent no. 5, 8, 9,11 & 12 in CWP-7405-2020**

**Mr.Anurag Chopra, Advocate for the petitioner
in CWP-7405-2020**

Mr. Abhay Pal Singh Gill, AAG, Punjab

ANIL KSHETARPAL, J.

By this order, two connected civil writ petitions i.e CWP-14866-2019 and 7405-2020 shall stand disposed of. The property in dispute in both the writ petitions is common and therefore, it is convenient to dispose of both the writ petitions by a single order.

CWP-14866-2019 has been filed by Sh. Guru Granth Sahib Ji Gurduwara Prabadak Committee seeking issuance of a writ in the nature of Certiorari for quashing the impugned certificate of registration dated 15.4.2019 issued by respondent no.3 in favour of the writ petitioner-Society in CWP-7405-2020. In other words, the petitioner has challenged the registration of the Gurudwara Sri Guru Granth Sahib Singh Sabha, Village Chabal Khurd, Tehsil and District Tarn Taran on 15.4.2019.

In CWP-14866-2019, the petitioner has sought the following substantive reliefs:-

“(a) a Writ in the nature of certiorari for quashing of the impugned certificate of registration dated 15.4.2019 (Annexure P-14) issued by respondent no.3 whereby the respondent no.3 has registered the respondent No.5-Committee being wholly wrong, illegal and erroneous;

(b) a writ of Mandamus directing the respondents Nos. 1 to 3 to cancel the certificate of registration dated 15.4.2019 (Annexure P-14) issued in favour of respondent No.5;

(c) for issuance of directions to respondents No. 1 to 4 to take appropriate legal steps in accordance with law against the office bearers of newly registered society i.e respondent No.6 to 14, who along with respondent No.15 are making every attempt to interfere in the functioning of Gurudwara Sahib being run by the petitioner committee in an illegal and arbitrary manner;

(d) Further for issuance of writ in the nature of Mandamus for directing the respondents

Nos. 1 to 4 to appoint any Administrator for the purpose of proper functioning of Gurudwara Sahib during the pendency of present writ petition before this Hon'ble Court so that funds of the Gurudwara cannot be misappropriated;

(e) A writ of mandamus directing the respondents to decide the representation dated 18.4.2019 (Annexure P-7) in accordance with law;"

Pursuant to notice to respondents no. 1 to 4, a detailed reply has been filed by the Additional Registrar of Societies, contesting the writ petition.

In CWP-7405-2020, the newly registered Society seeks the following substantive reliefs:-

“i) Issue a writ, order or direction especially a writ in the nature of Mandamus directing the official Respondents from restraining the Respondent No. 5-12 and its members from interfering in the management/ day to day affairs of the Gurudwara Shri Guru Granth Sahib Singh Sabha situated at Village Chabal Khurd, Tarn Taran which is being managed by the petitioner society duly incorporated with the Registrar of Societies Amritsar vide the Certificate of Registration dated 15.4.2019 (Annexure P-2) vide which the affairs of the said Gurudwara are being run and sincerely managed by the members of the petitioner society which is being illegally and arbitrarily interfered by the Respondent no. 5-12 and its members thus causing a threat to the independence and life and liberty of the petitioner society and its members.

(ii) Issue of a writ in the nature of

Mandamus directing the official Respondents to adjudicate upon the Legal Notice dated 23.4.2020 (Annexure P-5) and further to take necessary action on the letter dated 04.05.2020 addressed to the official Respondents to safeguard the petitioner right from managing the affairs of the said Gurudwara freely without any hindrance and address the said letter in the interest of justice.

(iii) Issue of a writ in the nature of Mandamus for the issuance of necessary directions to the Respondent No.4 to have a status quo maintained at the premises of the Gurudwara during the pendency of the writ petition or till the time the representation addressed by the petitioner is adjudicated by the concerned authorities so as to come to a conclusion determining the illegal act and unlawful interference at the hands of Respondent No.5-12.”

This Court has heard learned counsels representing the parties at length and with their able assistance perused the paper books. Learned counsel for the parties do not dispute that there is no bar to the jurisdiction of the civil court under the Societies Registration Act, 1860. In the first writ petition, the petitioner challenges correctness of the certificate of registration of the Society. The petitioner claims to be a real society which was registered on 12.4.2007. It claims that it is looking after the affairs of Gurudwara Shri Guru Granth Sahib Ji at Gurudwara Jhabhal Khurd Patti Sunderji, District Tarn Taran. As claimed, there is 16 acres of agricultural land attached to the aforesaid Gurudwara. It is claimed that the private respondents have got the

society registered by mis-representation.

On the other hand in CWP-7405-2020, the newly registered society claims that it is managing the affairs of the Gurudwara for more than a decade while doing a lot of charitable and philanthropic work.

Thus, in both the writ petitions, disputed questions of facts are involved. Still further, the jurisdiction of the civil court is not barred. In fact, the petitioner-Society in CWP-14866-2019, has already filed a civil suit against attempt of the newly registered society to lease out the agricultural land in which injunction is stated to have been granted. The newly registered society is calling upon the Court to issue injunction in its favour.

In these circumstances, in the considered opinion of the Court, both the writ petitions are required to be disposed of by relegating the petitioners (in both the petitions) to avail the alternative remedies, particularly, when the nature of the dispute can be better decided after permitting the parties to lead evidence.

In view thereof, both the writ petitions are disposed of.

18.01.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)
JUDGE