

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

121

1. CR-282-2019

Date of decision: 17.10.2022

PARMOD KUMAR

..Petitioner

Versus

DERA MATA MANDIR SURAJ KUND THROUGH
MAHANT VISHAV NATH PURI AND OTHERS

..Respondents

2. RSA-2548-2018 (O&M)

PARMOD KUMAR & ORS.

..Appellants

Versus

DERA MATA MANDIR SURAJ KUND AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Sr. Advocate
with Mr. Dhruv Mittal, Advocate
for the petitioner (in CR-282-2019)
for appellants (in RSA-2548-2018).

Mr. R.D. Sharma, Advocate
for respondent No.1 (in both cases).

ANIL KSHETARPAL, J(Oral)

This order shall dispose of RSA-2548-2018 and CR-282-2019.

The suit property belongs to a deity. There is a temple constructed in the nearby land. Someone representing as Mahant has executed various lease deeds in favour of the various individuals while giving away the property of the idol practically free of cost. Various lease deeds were the subject matter of challenge in the various civil suits. In Civil Suit No.532 of 2007, the lease deed dated 20.10.2001, was set aside. In this case also, both the Courts have set aside the lease deed after finding that the commercial property belonging to the deity has been given on lease for a period of 60 years at the rate of

Rs.500/- per year. On the appreciation of evidence, both the Courts have found that such lease deed was not the act of necessity but rather the deity's valuable property has been leased for a considerably low amount for a period of 60 years.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook

The learned Senior counsel representing the appellant contends that the suit was filed by a religious organisation through a person whose competence to represent the organisation was in dispute. He submits that despite objections, the Court has not dealt with the same.

In the present case, the suit has been filed by the deity. The question is, "As to whether the appellant should be permitted to continue in possession when they have no right to continue?" The competence of the person who filed the suit can always be decided by the Executing Court because the property belongs to a deity. The Court is bound to protect the interests of the deity. The appellant has failed to draw the attention of the Court to any substantive error in the findings of fact arrived by the Courts below on the merits of the case.

Hence, the appeal is dismissed.

Consequently, the revision petition is disposed of.

However, keeping in view the facts of the case, the Presiding Judge of the Executing Court is requested to take over the possession of the property and analyse as to whether it is being properly maintained or not by the alleged representatives of the deity or not? If the Court comes to a conclusion that the alleged representative who have filed the suit or

execution are indulging in wasting away the property of the deity, the Court will pass appropriate orders directing the District Administration to take over the property for proper management and care.

All the pending miscellaneous applications, if any, are also disposed of.

October 17th, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>