

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

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**CRM-M-19476-2022
Date of decision: 09.05.2022**

**MATA RANI (SHEETLA MATA) MANDIR PARBHANDAK
COMMITTEE**

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Namit Gautam, Advocate
for the petitioner.

VINOD S. BHARDWAJ. J.(Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for directing the respondents No.2 to 4 to ensure that the petitioner as well as committee members can hold fair (Mela) at Mata Rani (Sheetla Mata) Mandir, stated to be scheduled in the month of May and June peacefully without any interference from private respondents No.5 to 12. He further prays that the said official respondents be also directed to protect the life and liberty of the petitioner as well as the Committee members.

2. Learned counsel appearing on behalf of the petitioner has pointed out that the Mata Rani (Sheetla Mata) Mandir is managed and

controlled by the Mandir Parbhandak Committee of village Kot Kalan, Tehsil Nabha, District Patiala and that the instant petition has been filed by the President of the said Prabhandak Committee. It is alleged that respondents No.5 to 12 have been continuously interfering in the peaceful possession of the Mandir Prabhandak Committee and creating disturbance and inconvenience in the Mandir premises and are abetted by local police in their doing so. He further alleges that certain jewelry items donated by devotees were also removed in a clandestine manner on 08.01.2022, however, despite a complaint having been submitted with the police officials, no action has been taken thereupon. An allegation has been lodged that various acts have been done by the said respondents due to which the value and utility of the property has been diminished.

3. It is apparent from a perusal of the documents appended along with the instant petition that a civil suit between the parties is already pending and interim order on an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 has already been filed. Vide order dated 21.01.2022, the Civil Judge, Junior Division, Nabha has already passed an order restraining the respondents from interfering into the peaceful possession of Mata Rani (Sheetla Mata) Mandir Parbhandak Committee.

4. Apparently, the present petition seeks a direction to the authorities concerned to ensure that the Committee can hold the Mela.

5. Needless to mention that no such direction can be issued by the High Court. It is a matter of assessment to be made by the District Administration of the law and order and also the prevailing circumstances there. Such exercise of discretion by the District Administration cannot be

substituted by the High Court.

The present petition is accordingly misconceived and is liable to be dismissed.

MAY 09, 2022

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No