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

CWP No.21834 of 2019(O&M)

Date of Decision: 24.05.2022

Kalgidhar Gurudwara Prabhandak Committee and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ankur Bansal, Advocate
for the petitioners.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Mr. Amit Dhawan, Advocate
for respondent No.3.

Mr. P.S. Chahal, Advocate for
Mr. G.S. Nagra, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J.(Oral)

CM No.2959-CWP of 2022

Allowed as prayed for.

CM No.2960-CWP of 2022

For the reasons mentioned in the application, the same
is allowed.

Written statement on behalf of respondent No.3 is

taken on record.

Main case

Petitioners have challenged the order dated 08.07.2019 passed by respondent No.2, thereby upholding the elections of the Prabhandak Committee conducted by the Gram Panchayat on 26.06.2019.

The representative suit was filed by Ranjit Singh and others for declaration to the effect that defendants No.1 to 8 i.e. earlier office bearers of Shri Kalgidhar Gurudwara Prabhandak Committee were no longer office bearers of said Committee. Permanent injunction was also sought.

The trial Court passed the order dated 25.08.2015, restraining the defendants in the suit from proclaiming themselves to be the members of Managing Committee of Shri Kalgidhar Gurudwara Prabhandak Committee. Sub Divisional Magistrate, Nakodar and Sub Divisional Magistrate, Shahkot were appointed as receivers to take charge of Shri Kalgidhar Gurudwara Prabhandak Committee and keep the account of day to day management and affairs of Gurudwara Andarla and Gurudwara Bahrla and properties attached therewith till re-elections were held. The directions were also issued to explore feasibility of holding earlier elections.

The said order was assailed in appeal and Additional

District Judge, Jalandhar vide order dated 03.05.2016, set aside the said order and appointed Gram Panchayat Village Sohal Jagir as interim receiver in place of Sub Divisional Magistrates.

Order dated 03.05.2016 passed by the Additional District Judge, Jalandhar was unsuccessfully assailed by the plaintiffs of the suit in the High Court and CR No.4026 of 2016 which was dismissed on 18.01.2017.

It appears that the Gram Panchayat Village Sohal Jagir has already conducted the elections during intervening period and now the tenure of the Governing Body shall expire on 05.06.2022.

Learned counsel for the parties during course of arguments have laid different emphasis on the validity of the elections got conducted by the Gram Panchayat. Both the parties are *ad idem* that fresh elections of Shri Kalgidhar Gurudwara Prabhandak Committee are required to be conducted in time after expiry of tenure of the Governing Body.

Admittedly, the tenure of the Governing Body is going to expire on 05.06.2022. Both the parties are also in agreement that an independent interim receiver for the purposes of holding elections of Shri Kalgidhar Gurudwara Prabhandak Committee be also appointed.

In view of rival claims made by the parties during course of arguments, I deem it appropriate to appoint Deputy Commissioner, Jalandhar to be an interim receiver, who will take charge of the affairs of Shri Kalgidhar Gurudwara Prabhandak Committee and shall hold the elections by publishing the elections schedule in accordance with law forthwith. Deputy Commissioner, Jalandhar shall make every endeavour to hold the elections on the date fixed or soon thereafter in accordance with law. It is made clear that appointment of the Deputy Commissioner as interim receiver is only till holding of the elections.

Disposed of.

24.05.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No