

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

RFA-7342-2014 (O&M)

Date of decision: 16.11.2022

Mandir Thakur ji Wala

....Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Talwar, Advocate for the appellant

Mr. Shivendra Swaroop, AAG, Haryana

Mr. Abhishek Sindhu, Advocate for performa respondent

ANIL KSHETARPAL, J (Oral)

1. The appellant before this Court is a religious organisation in the name of Mandir 'Thakur ji wala'. It has been stated that this religious organisation is being managed by a registered body. On acquisition of the land of the appellant, an application for referring the matter to the court under Section 18 and 30 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') was forwarded to the court. In these proceedings, Mandir Thakur ji Wala through its Mahant Raj Das, Chela Yamuna Das is respondent No. 4. The Reference Court while deciding the consolidated reference application under Section 18 and 30 of the 1894 Act held that neither the petitioner managing committee nor respondent No.4 is entitled to receive the compensation amount as the dispute with regard to the management of the affairs of the religious organization is still pending before the Civil Court.

2. With regard to assessment of the market value of the acquired land, various connected cases stand decided by the High Court

in **Veena Rani and others vs State of Haryana and others (RFA-1130-2012)** and other connected cases decided on 23rd January 2017. Special Leave Petition filed challenging the correctness of the order dated 23rd January, 2017 has already been dismissed by the Supreme Court.

3. An application has been filed by the appellant. By way of an application, a copy of the judgment passed in ‘Raj Das and others versus Mandir Thakur ji wala and others’ RFA-3175 of 2007 decided on 2nd December, 2009 has been placed on record. As per this judgment Mandir Thakur ji wala has been declared an owner and appeal filed by Raj Dass has been dismissed. From the reading of the judgment, it is evident that Mandir Thakur ji Wala had filed a suit for declaration with consequential relief of permanent injunction against Raj Dass and others, which was decreed by the Civil Judge, Junior Division, Panipat on 28th November, 2005. The defendant’s first appeal was dismissed on 29th March, 2007. The second appeal filed by Raj Das and another was dismissed on 2nd December, 2009. Even the Special Leave Petition filed by Raj Dass was dismissed on 21st October 2011.

4. Thus, it is evident that Mahant Raj Dass and others have no right to manage the appellant religious organization.

5. Thus, the dispute with regard to the apportionment/ entitlement is required to be decided in terms of the judgment passed by the Supreme court in the suit titled as Mahant Thakaurji Wala and others vs. Raj Dass and another. Hence, Mahant Raj Dass is not entitled to

receive the compensation.

6. There is another issue which requires adjudication. Learned State counsel has drawn the attention of the Court to para 15 of the impugned judgment wherein it has been noticed that a previous reference petition filed by Mahant Raj Dass and on behalf of the Mandir Thakurji Wala was decided on 30.09.2011. He submits that it appears that no appeal against the aforesaid judgment has been passed.

7. Once the court has found that Mahant Raj Dass or Raj Das has no right to manage the property of the appellant religious organisation, no application under Section 18 of the 1894 Act, will lie. An application for reference would be nullity if filed. In this case, the application is filed by the religious organisation through its registered managing committee. Consequently the appeal is allowed with respect to claim under Section 30 of the 1894 Act. The appellant is held entitled to receive the compensation as regards to the market value. Consequently, the matter is squarely covered by the judgment in **Veena Rani's case (supra)**. The appellant shall be entitled to the same amount as ordered in Veena Rani's case alongwith all the statutory benefits including statutory interest in terms of Section 28 of the 1894 Act.

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

16.11.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE