

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CR No. 137 of 2021 (O&M)
Date of Decision : 04.01.2023

Sukhwinder Singh and another

...Petitioners

Versus

Kirpal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Inderjit Sharma, Advocate for the petitioners.

Mr. P.S. Guliani, Advocate for respondents No. 1 and 2.

Mr. M.S. Virk, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

In the present petition, the challenge is to the order passed by Sikh Gurudwara Judicial Commission, Amritsar dated 14.08.2020 by which, a receiver was appointed to manage the affairs of Gurudwara Dera Baba Kartar Baksh Bedi, Sujanpur, Tehsil and District Pathankot for the betterment of Gurudwara Sahib and its property. The petitioners, who claimed themselves to be the residents of the area, have filed the present petition challenging the said order on the ground that Kirpal Singh, who claimed himself to be President of Gurudwara, had no locus-standi to remain as a President and the management of the said Gurudwara was being handled by the S.G.P.C. in a perfect manner after the resignation of respondents No. 1 and 2 were accepted hence, there was no valid reason of

appointing any receiver by withdrawing the management from the S.G.P.C.

A bare perusal of the order passed by the Sikh Gurudwara Judicial Commission dated 14.08.2020, would show that S.G.P.C. is a party to the said litigation but S.G.P.C. chose not to contest the said order and the order has only been challenged by the petitioners on the ground that they are the residents of the area and are interested in better management of the said Gurudwara. Assertion of the petitioners is that the better management can be done by the S.G.P.C. as compared to the receiver being appointed by the Sikh Gurudwara Judicial Commission. Once, the S.G.P.C. in its wisdom, who is the respondent in the petition in which impugned order dated 14.08.2020 has been passed, has chosen not to contest the order dated 14.08.2020, the petitioners have no locus-standi to challenge the said order. In case, the S.G.P.C. is aggrieved in any manner against the said order, they could have availed the appropriate remedy.

Learned counsel appearing on behalf of the S.G.P.C., who is also respondent in the present proceedings, submits that keeping in view the various factors, which have come into being, the S.G.P.C. is not interested in challenging the order dated 14.08.2020, which has been challenged by the petitioners in the present petition.

Keeping in view the above, once an aggrieved party i.e. S.G.P.C., is not challenging the order passed by the Sikh Gurudwara Judicial Commission dated 14.08.2020, the petitioners cannot challenge the same by asserting that they also have a right to challenge the same only on the ground that the Gurudwaras concerned should be better managed.

Petitioners have no locus-standi to challenge the impugned order on behalf

of S.G.P.C. Once S.G.P.C. is not claiming any right to manage the Gurdwaras in question, said relief cannot be claimed by the petitioners, who are strangers to the litigation in question.

Keeping in view the above, the present civil revision petition is dismissed on the ground that petitioners do not have any locus-standi to challenge the order in question i.e. 14.08.2020 passed by the Sikh Gurdwara Judicial Commission.

Learned counsel for the parties are agreed that as the litigation is pending before the Sikh Gurudwara Judicial Commission, Amritsar since long and the management of a Gurudwara is in dispute, the Commission be directed to dispose off the said proceedings pending in a time bound manner so that the parties could ascertain their role to be played in the management of the same.

Keeping in view the above, the President Sikh Gurdwara Commission is requested to expedite the finalization of the proceedings pending before the Commission in a proceeding initiated by respondents No. 1 and 2 under Section 142 of Sikh Gurdwara Act, 1923 at the earliest and all the efforts are made by the Commission to conclude the proceedings within a period of four months from the next date of hearing.

CM-778-CII-2021 and CM-1499-CII-2021

As the main petition is dismissed, the present applications are disposed of as not pressed.

January 04, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No