

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

**RA-87-CR-2020 in
COCP-1801-2017 (O&M)**

Date of Decision : January 20, 2023

Pandit Karanveer Randev

.....Petitioner

Vs.

Shri KBS Sidhu, IAS, Financial Commissioner Revenue,
Punjab Civil Secretariat, Punjab, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.K. Tiwari, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN, J.

Prayer made in the application is for review of the order dated 7.2.2020 vide which the COCP filed for non-compliance of order dated 10.4.2015 in CWP-7985-1997, was disposed of by passing the following order :-

"The petitioner is seeking initiation of proceedings under Section 12 of the Contempt of Courts Act against the respondent for violating the order dated 10.04.2015 passed in CWP No. 7985 of 1997. The above petition was disposed of with direction to the Financial Commissioner as follows:

12. "The Financial Commissioner, Revenue is directed to consider the claim of petitioner

No.2 for appointment as Mahant of petitioner No. 1 subject to all those conditions which the then Ruler of Patiala State had imposed while appointing the grandfather of petitioner No. 2 as Mahant vide order dated 18.05.1940. If the competent authority does not find petitioner No.2 suffering any disqualification, the authorities are directed to follow the rule of succession and make consequential appointment. In the event of such appointment, the appointee shall be bound by the conditions imposed by the erstwhile Ruler of Patiala State vide order dated 18.05.1940 (Annexure P3). The competent authority shall be at liberty to impose the additional terms and conditions also, if need be, in accordance with law. The appropriate decision shall be taken within six months from the date of receipt of a certified copy of this order and meanwhile petitioner No. 2 shall be allowed to continue to perform the duties of Mahant-cum-Mohtmim.

13. If the Financial Commissioner, Revenue does not accept the claim of second petitioner for appointment as Mahant-cum-Mohtmim, in that event, a speaking order shall have to be passed within the stipulated period and the Mahant shall have to be appointed as per the succession Rule elaborated above." In pursuance of the above order, the Financial Commissioner has passed the order dated 31.08.2017 whereby the recommendations of

the Deputy Commissioner, Patiala to appoint the petitioner as Mahant, was not accepted and he (Deputy Commissioner, Patiala) was directed to send the name of eligible person for appointment as Mahant in accordance with the directions of this Court contained in the order dated 10.04.2015. Learned counsel for the petitioner has alleged that being the legal heir of Kedarnath, the petitioner succeeded to his Mahantship and speaking order passed by the respondent is not in accordance with law. At the time of passing of order dated 10.04.2015, it was conceded that the State Government has authority in the matter of appointment of Mahant. The order dated 31.08.2017 passed by Financial Commissioner has been challenged by the petitioner by filing a separate writ petition and this Court has not to decide legality and validity of the order dated 31.08.2017. The respondent has complied with order dated 10.04.2015 (ibid) and no reason is made out to initiate proceedings against him under Section 12 of Contempt of Courts Act. This petition has no merits. Dismissed. Rule discharged."

Counsel for the petitioner submits that order dated 31.8.2017 passed by the Financial Commissioner, Revenue, Punjab is in violation of the direction dated 10.4.2015 and, therefore, the matter needs to be reviewed.

It is submitted that the appointment of Mohatmim (Manager of the Mandir) should be on the basis of the rule of succession and,

therefore, the Financial Commissioner has not passed the order in accordance with law. It is also argued that the petitioner has filed an additional affidavit in the contempt petition which was not taken into consideration.

The counsel for the petitioner further submits that in the additional affidavit, the petitioner has stated that the respondent has not clarified regarding the rule of succession in appointment of Mohatmim/Manager of the temple in question and, therefore, the contempt petition should not have been decided.

In reply, the learned State counsel submits that since it is observed in the order dated 7.2.2022 disposing of the contempt that the petitioner has already challenged the aforesaid order dated 31.8.2017 by filing a separate writ petition and in the present review application status of the said writ petition is not reflected, the petitioner has concealed the material facts. It is also argued that the review application has been filed after a long lapse of three years and there is no explanation of the intervening period.

After hearing learned counsel for the parties, this Court finds no merit in this review application and the same is, therefore, dismissed.

**(ARVIND SINGH SANGWAN)
JUDGE**

January 20, 2023
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO