

CRWP-2963-2023

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

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Decided on : 30.05.2023

Mahant Jamuna Dass

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. G.S. Sidhu, Advocate, for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In compliance to the order dated 27.03.2023 learned State counsel has filed the status report dated 29.05.2023, by way of affidavit of DSP, Barnala, on behalf of respondents No.1 to 3, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

2. Learned State counsel submits that dispute in the present petition is of money dealing between the petitioner and Mahant Sant Muni, regarding the property situated in village Tibba, District Sangrur. Therefore, he submits that there is no substance in the present petition, and same is liable to be dismissed.

3. Learned State counsel points out to the stand taken by the State in paragraphs No.4, 6 and 7, which says as under:-

“4. That all those applications submitted by the petitioner were marked to SP (Headquarters) Barnala for enquiry. The SP (Hq.) Barnala conducted a thorough enquiry from all angles and submitted his enquiry report vide Letter No. 108-10/5P/SP (H) dated 18.03.2023 to the SSP Barnala. In

the enquiry, the following facts were revealed and came into light:-

- a. Petitioner is resident of Village Tibba, District Sangrur. On 09.01.2015, Mahant Sant Muni Chela Sital Dass allegedly entered into agreement with the petitioner whereby Mahant Sant Muni agreed to lease out the land situated in Village Tibba, Tehsil Dhuri, District Sangrur to the Petitioner for 99 years. There was one condition in said Agreement dated 09.01.2015 that if the mutation of property situated in Village Tibba, Tehsil Dhuri, District Sangrur, could not be entered and sanctioned in the name of Sant Muni, in such situation the petitioner shall be entitled to get the Lease deed executed in respect of the land situated in Village Thulliwal, District Barnala. Said Lease deed was agreed to be executed on 30.12.2015.*
- b. On 29.12.2015 i.e. one day prior to the date fixed for execution of Lease deed, one endorsement was executed at the backside of the original Agreement dated 09.01.2015, whereby, Mahant Sant Muni allegedly agreed to hand over the possession of the land situated in Village Thulliwal, District Barnala after harvesting the wheat crop. It was further mentioned in the endorsement that the lease deed of the property situated in Village Tibba, District Sangrur would be executed as and when the revenue record gets corrected. But the clause of execution of lease deed of village Thulliwal, Barnala so mentioned in the initial Agreement dated 09.01.2015, was missing in the Endorsement.*
- c. Before arrival of period for harvesting the crop, Mahant Sant Muni died on 18.02.2016. Hence the possession as per the documents relied upon by the petitioner, could not be delivered to the petitioner.*
- d. That after the death of Mahant Sant Muni, three persons i.e. Ram Muni, Ramdass & Jaldev and the petitioner started claiming Mahantship upon the property of Dera at Village Thulliwal, District Barnala. Petitioner was claiming himself to be the Mahant of Dera on the basis of Mahanti inherited by him from one Mahant Lakhwinder Dass. Ultimately, the Mahanti matter, went upto S.D.M., Barnala, who vide its Order dated 28.08.2019 declared Ram Muni Chela Mahant Sant Muni as Mahant of the Dera and sanctioned the Mutation in favour of Mahant Ram Muni. A Civil litigation in this regard inter se the persons claiming Mahanti, is yet pending in Court.*
- e. That it has become crystal clear that there was a money dealing between the petitioner and Mahant Sant Muni regarding the property situated in Village Tibba, District Sangrur for which the jurisdiction of*

Police at Sangrur can be exercised.

- f. That during investigation, no evidence has come into light regarding the allegation of demanding Or receiving any alleged gratification by any police official from the petitioner. The petitioner had been moving false complaints by changing the subjects of the Complaints and by leveling false allegations in the complainant, just to create pressure upon the police and villagers and to get successful in getting possession of the property. The petitioner wants to escape from his own wrongs. The petitioner was made understand many times that the process of Mahanti is of purely civil nature and he should avail his civil remedies in this regard. Still the SHO, PS Thulliwal has been directed to initiate proceedings as per law to maintain law and order if need so arises.*

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- 6. That thereafter on 24.05.2023, a FIR No.21 dated 24.5.2022 U/s 447, 511, 506 IPC was registered at PS Thulliwal, District Barnala, against the petitioner after receiving the complaint from Nahar Singh son of Sadhu Singh, Panch of Village Thulliwal, Barnala. The brief statement of Nahar Singh is as under: -*

"I am Panch of the village. 12 Acre land of our Village is abutting on Hameedi Road. Today at 12 Noon, we came to know that Davinder Singh is attempting to take possession of said land by ploughing on his Tractor Sonalika, colour Blue registration No.PB13-X-9158. We committee members stopped him but he did not stop. We by moving complaint to your goodself, request you that action may kindly be taken against Davinder Singh, who tried to usurp the property in Village Thullewal in the name of Shri Guru Granth Sahib. Davinder Singh also intimidated me with life threats."

- 7. That so far as the ownership of the land of Dera situated in Village Thulliwal, District Barnala, is concerned, it is submitted that the land is standing in the name of Dera Guru Granth Sahib in the revenue records. The possession of the land of Dera situated in Village Thulliwal, District Barnala, is not with the petitioner. Rather this land is*

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barren land. That is why the petitioner has tried to take forcible possession and hence the FIR has been registered against the petitioner.”

4. From the stand taken by State in the aforesaid status report, this Court finds that in fact the dispute raised in the present petition is not of danger to the life and personal liberty, rather, is of civil nature i.e. in regard to the possession of Dera land, and the money exchange.

5. Therefore, relying upon the detailed reply, the major part of which is reproduced herein-above, this Court finds no merit in the present petition, and the same stands dismissed accordingly.

(SANJAY VASHISTH)
JUDGE

May 30, 2023

J.Ram

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