

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-21878-2020

Date of decision : 09.05.2023

Gurudwara Shaheed Baba Sangat Singh Trust

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Sunil Garg, Advocate
for the petitioner.Mr.Karan Puggal, DAG, Punjab
for respondents no.1 to 4.Mr.Ankur Bansal, Advocate
for respondents no.5 and 6.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 09.09.2019 passed by respondent no.2 whereby the appeal filed by respondents no.5 and 6 has been allowed without taking into consideration the notification (Annexure P-3).
2. Learned counsel for the petitioner has submitted that the Commissioner, Jalandhar Division, Jalandhar vide impugned order dated 09.09.2019 has in paragraph 5 noticed as under:-

“I have considered the arguments advanced by the ld.counsel for the parties and have gone through the record received in the case and papers brought on the file. I find that there is force in the arguments advanced by the appellant. The Addl. Deputy Commissioners have not been delegated Powers of Collector under the Punjab Religious Premises and land (Eviction & Rent Recovery) Act, 1997. Therefore, the order

passed by the Addl. Deputy Commissioner as Collector under the Punjab Religious Premises and Land (Eviction & Rent Recovery) Act 1997 is without jurisdiction. Therefore, the appeal is accepted and the case is remanded to the District Collector, Jalandhar, for fresh decision after hearing the parties.”

It is submitted that while doing so, the Commissioner, Jalandhar Division, Jalandhar had not taken into consideration notification (Annexure P-3) which reads as under:-

“The 12th July, 2011

No.S..O62/P.A.4/1998/S.2/2011.- In exercise of the powers conferred by clause (a) of Section 2 of the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997 (Punjab Act No.4 of 1998) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to appoint all the Additional Deputy Commissioners (General) as Collector within the limits of their respective jurisdiction in addition to the Collectors of the Districts in the State of Punjab, for performing the functions of the Collector under the aforesaid Act.

A.R. Talwar

*Financial Commissioner, Revenue and
Secretary to Government of Punjab,
Department of Revenue and Rehabilitation.*

Learned counsel for the petitioner has submitted that on the said ground, the order dated 09.09.2019 deserves to be set aside and the Commissioner, Jalandhar Division, Jalandhar be directed to re-decide the matter.

3. Learned counsel for respondents no.5 and 6 has submitted that the power as per the notification dated 12.07.2011 has been given to the Additional Deputy Commissioner (General) whereas the order in the present case has been passed by the Additional Deputy Commissioner-cum-Collector, Jalandhar and the said authorities are not the same. It is further submitted that there are certain subsequent events which have taken place including the decision taken by the Civil Court of appointing a Receiver for the petitioner-Gurudwara. It could however not be disputed that the

4. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the order dated 09.09.2019 passed by the Commissioner, Jalandhar Division, Jalandhar is set aside and the Commissioner, Jalandhar Division, Jalandhar, is directed to decide the matter afresh as expeditiously as possible after taking into consideration notification dated 12.07.2011.

5. It would be open to the petitioner as well as respondents no.5 and 6 to raise all the pleas including subsequent pleas before the Commissioner in support of their arguments. The parties through their counsel would appear before the Commissioner on 22.05.2023.

6. It is made clear that this Court has not opined on the merits of the case and the Commissioner would decide the case independently, in accordance with law.

(VIKAS BAHL)
JUDGE

May 09, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No