

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-24470-2017 (O&M)..
Date of Decision: 26.02.2024.

SUKHWANT KAUR

... Petitioner(s)

Versus

REGISTRAR OF COPYRIGHTS AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ashish Verma, Advocate,
for the petitioner.

Mr. Arun Gosain, Sr. Government Counsel,
for respondent No.1.

Mr. Samar Pratap Singh Ahluwalia, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the instant writ petition is to the Copyright
Certificate dated 27.06.2013 (Annexure P-3) issued by respondent No.1-
Registrar of Copyrights, Copyright Office, Department of Industrial Policy
and Promotion, Ministry of Commerce and Industry, New Delhi.

2 Learned counsel for the petitioner contends that she along with
her husband and father of respondents No.2 and 3 and various other persons

were disciples of a Sect started by Sh. Sher Singh Vishnu Bhagwan of village Ghavind (Now in Pakistan).

3 The disciples believed that after the demise of their Sect leader, the divine light began to reveal in Sh. Puran Singh in the form of celestial word and as and when his pulse would stop beating, he would begin to sing the celestial words which were written by some other persons known as “Likharis.” The said Bani now is compiled in 24 big volumes (Granth) called “Nehkalank Har Shabad Scriptures.” Thereafter, a structure was built known as “Sohang.” The copyright thereof is now the subject matter of dispute between respondents No.2 and 3 as well as the petitioner.

4 A written statement on behalf of Registrar of Copyrights-respondent No.1 was filed wherein it was averred that the present writ petition is not maintainable since an efficacious remedy of appeal before the Board, under Section 50 of the Copyright Act, 1957, is available to the petitioner.

5 Learned counsel for the petitioner does not dispute that alternative remedy of appeal before the Board has been provided, however, he contends that when the instant writ petition was filed, the appellate Board had not been constituted.

6 Learned counsel for respondent No.1 contends that the said Board has now been duly constituted and the same is functional.

7 In view of above, the present writ petition is disposed of at this stage with liberty to the petitioner to prefer an appeal before the Board constituted under the Copyright Act, 1957.

8 The period during which the present writ petition has remained pending before this Court, shall be taken into consideration by the appellate Board in the event of filing of any such appeal by the petitioner.

February 26, 2024.
raj arora

(VINOD S. BHARDWAJ
JUDGE

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