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

CR-1927-2024 (O&M)
Date of decision: 25.09.2025

Beant Kumar and others

...Petitioners

Versus

Shree Sanatan Dharam Sabha (Regd.)

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Mona Goyal, Advocate for the petitioners.

Mr. Binderjit Singh, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India read with Section 15(5) of The East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be referred as “the Act of 1949”) for setting aside order dated 09.02.2024 passed by the Rent Controller in "RP No. 32/2016" wherein preliminary issue i.e. Issue No. 9 **"Whether the Jurisdiction of this Rent Tribunal is barred under Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997?"** has been decided against the petitioners/tenants.

ARGUMENTS ON BEHALF OF THE PETITIONERS:-

2. Learned counsel for the petitioners has submitted that in the



present case, the respondent which filed the eviction petition under Section 13 of the Act of 1949 for ejectment of the present petitioners from the shop in question, is a Religious and Charitable Institution and the said fact is apparent from the Constitution of Shri Sanatam Dharam Sabha (Regd.), which has been annexed as Annexure P-7. It is submitted that the fact that respondent-Sabha is a Religious and Charitable Institution has also been admitted by Sh. Abhey Singla, who is the President of the respondent-Sabha, in his statement which has been annexed as Annexure P-6. It is argued that once it is established that the respondent is a Religious and Charitable Institution, then, only remedy which respondent had for seeking eviction of the tenants/petitioners was to file proceedings under Section 5 of the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997 (Punjab Act No.4 of 1998) (hereinafter to be referred as “the Act of 1998”).

3. It is argued that there is specific bar under Section 12 of the Act of 1998 vide which all other Courts have been barred from entertaining any suit or proceedings in respect of the eviction of any person who is in unauthorized occupation of a religious institution or for recovery of arrears of rent. It is submitted that in view of the said bar, issue No.9, which was framed as a preliminary issue, should have been decided in favour of the petitioners and the impugned order, vide which, the said issue has been decided in favour of the respondent and against the petitioners, deserves to be set aside and eviction petition filed by respondent was required to be dismissed on the ground of bar of



jurisdiction of Rent Tribunal. It is submitted that vires of the said Act has been upheld upto the Hon'ble Supreme Court.

ARGUMENTS ON BEHALF OF THE RESPONDENT:-

4. Learned counsel for the respondent, on the other hand, has submitted that the preliminary issue has been rightly decided in favour of respondent vide order dated 09.02.2024. It is submitted that it has been repeatedly held by this Court in various judgments that the Act of 1998 is a beneficial piece of legislation for the benefit of Religious and Charitable Institutions, providing summary remedy to the said Institutions to seek eviction and the same cannot even remotely be read in a manner so as to take away the rights of the said Religious and Charitable Institutions to institute proceedings under the Act of 1949, more so, when relationship of landlord and tenant has not been disputed between the parties. In support of his arguments, he has relied upon judgment passed by the Coordinate Bench of this Court in case of **Jai Parkash Goyal Vs. Shri Gurudwara Singh Sabha Sahib Virajman Gurugranth Sahib, Kukarmajra and another** reported as **2009(4) RCR (Civil) 68** which decision has been upheld by the Hon'ble Supreme Court. Further reference has also been made to the judgments passed by the Coordinate Bench of this Court in case bearing No.**CR-1884-2017 titled as Baldev Singh Vs. Shree Sanatan Dharam Sabha and another and other connected case, decided on 22.03.2017** and the **judgment dated 28.07.2025 passed in case bearing No.CR-5931-2024 titled as "Vishu Middha Vs. Shree Gurudwara Singh Sabha (Regd.) Abohar**



through its President”, along with other connected matters.

5. It is further submitted that in the present case, a perusal of the pleadings of the parties would show that it is the case of the present petitioners that the petitioners are the tenants and tenancy is continuing. It is submitted that it is nobody's case that the present petitioners are unauthorized occupants or that their tenancy has been determined or cancelled and that in the Act of 1998, right has been given to the religious institutions to seek eviction against unauthorized occupants and the said right would not be available against tenants who continues to be a tenant and whose tenancy has not been cancelled or determined, more so, when landlord is seeking eviction on the ground of personal necessity, as in the present case. It is submitted that in view of the said fact, the impugned order deserves to be upheld and the present revision petition being meritless deserves to be dismissed.

ANALYSIS AND FINDINGS:-

6. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

7. Admittedly, the respondent had filed eviction petition (Annexure P-1) under Section 13 of the Act of 1949 for ejectment of the petitioners from the shop in question. A perusal of the said eviction petition would show that it is the case of respondent that father of the



present petitioners was tenant of respondent since 01.09.1977 and after the death of the said father-Lajpat Rai, the present petitioners have inherited his estate and have been continuously paying the rent and have thus, become the tenants. Further perusal of the eviction petition would show that eviction from the premises in question is sought on the ground of personal necessity. Paras 3 to 5 of the eviction petition on the said aspect are reproduced hereinbelow:-

“3. That father of the respondents namely Lajpat Rai took the above said shop on rent from the applicant/society at the rate of Rs.10,000/- p.a w.e.f. 01.09.1977 for running Railway Out agency Lajpat Rai had executed rent note in this regard in favour of applicant/society.

4. That Lajpat Rai had expired and respondents No. 1 to 3 have inherited estate of Lajpat Rai as such they have been impleaded as respondents in this case. Moreover, Railway Agency is now in the name of Beant Kumar.

5. That the respondents have been paying rent continuously as per above said agreement against proper receipt. Respondents had also agreed to pay electricity bills, water charges etc over and above rate of rent.”

8. In the written statement filed by the present petitioners, the factum of tenancy has not been disputed and the averments made in paras 3 and 5 of the eviction petition, have been replied in the said written statement in paras 3 and 5 on merits, by saying that the said paras do not need any reply. Thus, the factum of the tenancy is not disputed. Paras 3 and 5 of the reply are reproduced hereinbelow:-

“3. That para no.3 of the application requires no reply.



5. *That para No.5 of the application requires no reply.”*

9. Vide order dated 27.10.2023, 13 issues were framed, including issue No.9, which reads as under:-

“9. Whether the jurisdiction of this Rent Tribunal is barred under Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997?OPR”

10. Further, vide order dated 24.11.2023, the said issue was treated as preliminary issue and since onus regarding the said issue was on the present petitioners, they were directed to produce the evidence first regarding the same. The Rent Controller vide order dated 09.02.2024, decided the said issue against the present petitioners and in favour of the respondent-landlord. The law on the point as well as the provisions of the Act of 1998 were duly taken into consideration. It is the said order which is the subject matter of challenge in the present revision petition.

11. Argument raised on behalf of the petitioners to the effect that as per Section 12 of the Act of 1998, eviction petition filed by the respondent-landlord before the Rent Controller is not maintainable and the jurisdiction of Rent Tribunal is barred under the Act of 1998, deserves to be rejected on two grounds. First ground for rejection is that it has been repeatedly held by this Court that the Act of 1998 is a facilitative enactment for the benefit of landlord against unauthorized occupants and it is not a piece of legislation granting any privilege to a tenant to plead that the action for ejectment must be made only under the Act of 1998 by treating the tenant as an unauthorized occupant or to bar the right of the



landlord to file an eviction petition under the Rent Act, even though, relationship of landlord and tenant has not been disputed. Reading of the provisions of the Act of 1998 would also show that the said Act was enacted apparently to provide summary eviction of unauthorized occupants from religious institutions and same cannot even remotely be construed to take away the right of the Religious and Charitable Institutions to institute proceedings under the Rent Act, which right has been given under the Rent Act to landlord against the tenant, on the grounds detailed in the Act itself.

12. The said issue is no longer res integra. The Coordinate Bench of this Court in the case of ***Jai Parkash Goyal*** (Supra), had observed that the provisions of the Act of 1998 must be construed as a grant of benefit to the landlord and cannot be construed as a benefit to the tenant to plead that the action of the ejectment under the Rent Act would not be available to the landlord. Relevant portion of the said judgment is reproduced hereinbelow:-

*“7. The provisions of the Act, which should be seen as really a privilege to a religious institution to short circuit the provisions of rent control legislation where some statutory protection against eviction are available for the tenant and that the landlord himself cannot obtain ejectment against the tenant except by the resort to [Section 13](#) of the East Punjab Urban Rent Restriction Act. The benefit which a landlord could claim by approaching the authority under Act 4 of 1998, is not a benefit for the tenant. If the landlord choses to forfeit his right and **takes action for eviction only under***



*the **Rent Act** treating the tenant as a statutory tenant entitled to be protected, the tenant cannot contend that he is not a tenant but only an unauthorized occupant.....*

8. xxxxx. **Section 12** only refers to the bar of proceedings against unauthorized occupants of any religious premises. The definition of "the person in unauthorized occupation" cannot be imported into the **East Punjab Urban Rent Restriction Act**, which does not treat a tenant as an unauthorized occupant and regards him only as a statutory tenant. The provisions of the **East Punjab Urban Rent Restriction Act** and the **Act 4 of 1998** must, in my view, be so considered that the latter should be seen as a facilitative enactment for the benefit of the landlord against unauthorized occupants and not a piece of legislation granting any privilege to a tenant to plead that the action for ejectment must be made only by treating the tenant as an unauthorized occupant under the **Act 4 of 1998** and not under the **Rent Control Act**. The assumption of jurisdiction and the orders passed by the Authorities constituted under the **East Punjab Urban Rent Restriction Act** is, therefore, upheld."

13. In the said case, the revision petition was filed by the tenant in which a similar plea, as sought to be raised before this Court with respect to bar under Section 12 of the Act of 1998, was raised and the said argument was rejected after making the abovesaid observation. The abovesaid judgment of the Coordinate Bench of this Court has been upheld by the Hon'ble Supreme Court and the SLP filed against the said judgment has been dismissed vide order dated 08.09.2015.

14. The law laid down in **Jai Parkash Goyal's case** (Supra) has



been followed by the Coordinate Bench of this Court in the case of ***Baldev Singh*** (Supra) also. In the said case, it has been reiterated that benefit of the Institution cannot be treated as a bar for the Institution to file eviction petition under the Act of 1949. Recently, the Coordinate Bench of this Court in the case of ***Vishu Middha*** (Supra) has also followed the law laid down in abovesaid two judgments i.e., ***Jai Parkash Goyal's*** case (Supra) as well as in the case of ***Baldev Singh*** (Supra). The judgment of the Hon'ble Supreme Court in the case of ***Harbhajan Singh and others Vs. State of Punjab and others*** reported as ***(2020) 2 SCC 659*** vide which vires of the Act of 1998 were upheld, was also taken note of and it was observed that the said judgment nowhere stated that the eviction petition under the provisions of the Rent Act would not be maintainable. Thus, on the said point alone, impugned order deserves to be upheld.

15. Second aspect on the basis of which the revision petition deserves to be decided in favour of the respondent is that a detailed perusal of the Act of 1998 would show that under Section 5 of the said Act, eviction of unauthorized persons from the religious premises have been provided for. Section 5 of the Act of 1998 is reproduced hereinbelow:-

“5. Eviction of unauthorised persons.-***(1)******If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is***



*satisfied that the **religious premises are in unauthorised occupation** the Collector may make an order of eviction, for reasons to be recorded therein, directing that religious premises shall be vacated, on such date not being the date beyond the period of forty-five days from the date of receipt of application by him under section 4 and as may be specified in the order by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outerdoor or some other conspicuous part of the religious premises or of the estate in which the religious premises are situated.*

(2)If any person refuses or fails to comply with the order of eviction within thirty days of the date of order made under sub-section (1), the Collector or any other officer duly authorised by him in this behalf may evict that person from, and deliver the possession of the religious premises to the concerned Religious Institution and, may for that purpose, use such force as may be necessary.”

A perusal of the above provision would show that summary procedure has been provided for eviction of an unauthorized occupant from a religious premises. Even Section 4 of the Act of 1998 talks about the issuance of notice to the said unauthorized occupant of religious premises. Unauthorized occupation of religious premises has been defined in Section 3 of the Act of 1998 and same also includes an allottee, lessee or grantee, who by reason of the determination or cancellation of his allotment, lease or grant in accordance with the terms in that behalf contained therein, ceases to be entitled to occupy the premises. To fall within the meaning of “unauthorized occupation”, lease



in favour of a tenant is required to be determined or cancelled. Even bar of jurisdiction as contained in Section 12 is only with respect to eviction of person who is in unauthorized occupation of a religious premises or in a case where recovery of arrears of rent payable under Sub Section 1 of Section 6 or damages payable etc., is sought. Section 12 of the Act of 1998 is reproduced hereinbelow:-

*“12. **Bar of jurisdiction.** - No court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person **who is in unauthorised occupation of any religious premises** or the recovery of the arrears of rent payable under sub-section (1) of section 6 or the damages payable under sub-section (2) of that section or the costs awarded to the Religious Institution under sub-section (5) of section 8 or any portion of such rent, damages or costs.”*

16. In the present case, it is not the case of the petitioners that the petitioners are in unauthorized occupation nor is it their case that the lease in favour of the petitioners has either been cancelled or has been determined. Rather, perusal of the pleadings including the eviction petition as well as the written statement, relevant portion of which have been reproduced hereinabove, would show that the relationship of landlord and tenant is in continuation and it is the case of the petitioners that they have been paying rent to the landlord. No plea of determination or cancellation of the tenancy has been raised. Moreover, eviction in the present case has been sought on the ground of personal necessity, which falls within the parameters of the Act of 1949. Once the relationship of



landlord and tenant is not in dispute and the respondent has sought eviction on one of the grounds available under the Rent Act, then, it cannot even remotely be stated that in view of the subsequent beneficial law in favour of respondent, the eviction petition under the Act of 1949 would not be maintainable.

17. The impugned order dated 09.02.2024 deciding issue No.9, which had been treated as a preliminary issue, in favour of respondent and against the present petitioners is in accordance with law and deserves to be upheld and is accordingly upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

18. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

25.09.2025
Pawan

(VIKAS BAHL)
JUDGE

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