



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124	CR No.5931 of 2024 (O&M) Reserved on: 30.04.2025 Pronounced on: 28.07.2025
Vishu Middha	Petitioner
Versus	
Shree Gurudwara Singh Sabha (Regd.) Abohar through its President	 Respondent
Gaurav Nagpal	CR No.6300 of 2024 (O&M)Petitioner
Versus	
Shree Gurudwara Singh Sabha (Regd.) Abohar through its President	 Respondent
Krishan Lal	CR No.6301 of 2024 (O&M)Petitioner
Versus	
Shree Gurudwara Singh Sabha (Regd.) Abohar through its President	 Respondent
Santosh Rani @ Santosh Rani Sethi	CR No.6030 of 2024 (O&M)Petitioner
Versus	
Shree Gurdwara Singh Sabha (Regd.) Abohar through its President	 Respondent
Vikram @ Vikram Arora	CR No.6383 of 2024 (O&M)Petitioner
Versus	
Shree Gurdwara Singh Sabha (Regd.) Abohar through its President	 Respondent



CR No.5685 of 2024 (O&M)

Ravi Wadhwa
.....Petitioner
Versus
Shree Gurudwara Singh Sabha (Regd.) Abohar through its President
..... Respondent

CR No.6152 of 2024 (O&M)

Lucky
.....Petitioner
Versus
Shree Gurdwara Singh Sabha (Regd.) Abohar through its President
..... Respondent

CR No.6171 of 2024 (O&M)

Dr. Madan Singh Naryal
.....Petitioner
Versus
Shree Gurudwara Singh Sabha (Regd.) Abohar through its President
..... Respondent

CR No.5519 of 2024 (O&M)

Nitin Wadhwa
.....Petitioner
Versus
Shree Gurdwara Singh Sabha (Regd.) Abohar through its President
..... Respondent

CR No.5522 of 2024 (O&M)

Karuna Kothari
.....Petitioner
Versus
Shree Gurudwara Singh Sabha (Regd.) Abohar through its President
..... Respondent

2025/04/10 09:04:00



CR No.6328 of 2024 (O&M)

Rulia Ram deceased through his LRs

.....Petitioner(s)

Versus

Shree Gurdwara Singh Sabha (Regd.) Abohar through its President

..... Respondent

CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL

Argued By: Mr. Divyanshu Jain, Advocate and
Mr. Abhinav Goel, Advocate for the petitioner
in CR Nos. 5931, 6300 and 6301 of 2024.

Mr. Paras Jagga, Advocate and
Mr. A.P.Chandharu, Advocate for the petitioner in
CR No. 6030, 6383 and 6152 of 2024.

Mr. C.M. Munjal, Advocate and
Ms. Seema, Advocate for the petitioner in
CR No. 5519, 5685, 6328 and 5522 of 2024.

Mr. K.R.Dhawan, Advocate for the petitioner
in CR-6171-2024.

Mr. V.K.Jindal, Sr. Advocate with
Mr. Abhay Jindal, Advocate and
Mr. Abhishek Shukla, Advocate for respondent-caveator.

VIKRAM AGGARWAL, J.

The afore-titled 11 revision petitions arise out of separate eviction petitions instituted by the same landlord (Shree Gurudwara Singh Sabha (Regd.), Abohar), against different tenants occupying shops forming a part of the same premises. Since the parties to the *lis* are the same and all revision petitions involve common questions of law and facts, the same are being decided together by this common judgment.

2. Facts shall be detailed from CR-5931-2024 (titled as Vishu Middha Vs. Shree Gurudwara Singh Sabha (Regd.). However, reference to



relevant facts qua the other petitions shall be made at the appropriate place.

3. Shree Gurudwara Singh Sabha (Regd.), Abohar (hereinafter referred to as the 'landlord') instituted a petition under Section 13 of the East Punjab urban Rent Restriction Act, 1949 (hereinafter referred to as the 'Rent Act') seeking eviction of the petitioner/tenant (Vishu Middha) (hereinafter referred to as the 'tenant') from a shop measuring 11' X 25' (depicted in the site plan attached to the eviction petition) situated at street No.15, Northern Circular Road Abohar, within the premises of Shree Gurudwara Singh Sabha (Regd.) Abohar.

4. Eviction was sought on two grounds viz. non payment of rent and personal necessity. The tenant was stated to be paying rent @ Rs. 5,000/- per month in terms of rent note dated 14.10.2011. Rent was stated to be unpaid since 01.04.2017. It was also averred that the holy book Shri Guru Granth Sahib was at the first floor of the Gurudwara Sahib. Devotees who were old, weak and pale was unable to climb the stairs, as a result of which, they were being prevented from paying obeisance before Shree Guru Granth Sahib. Accordingly, the management of the landlord passed a resolution on 05.03.2017 that the building of the Gurudwara Sahib would be renovated and the holy book would be kept at the ground floor so that the devotees would have easy access to the same. It was averred that the landlord had no other place within the municipal limits of Abohar which would be suitable for its *bona fide* personal necessity. It was averred that in fact the Gurudwara Sahib or the holy book could not be shifted to any different place. It was also averred that the landlord had not vacated any such building without sufficient cause after the commencement of the Rent Act.



5. The eviction petition was opposed. In the written statement, certain preliminary objections as regards the eviction petition not having been filed by the competent person, the petition having been filed with an ulterior motive to coerce the tenant to enhance the rent, estoppel, the petition being a misuse of the process of law, rent already having been received by the landlord, ground of personal necessity being based on false and imaginary facts, maintainability etc. were raised. On merits, the relationship of landlord and tenant and the rate of rent was admitted. However, it was denied that any rent note dated 14.10.2011 had been executed. It was denied that the tenant was in arrears of rent, the same having been paid up to 31.10.2017. It was also denied that the demised premises was required by the landlord for its personal necessity. It was averred that the sole purpose was to get the rent enhanced. It was averred that a spacious hall could be constructed without the vacation of the demises premises and other shops by making minor adjustments. It was averred that the major part of building of the Gurudwara Sahib was lying vacant and unused and there was a huge space at the ground floor which could be converted into a hall.

6. From the pleadings of the parties, following issues were framed by the trial Court:-

1. Whether the petitioner bonafidely requires the premises in question, as alleged? OPP
2. Whether the present petition is not maintainable in its present form? OPR
3. Relief.

7. Parties led their respective evidence.

8. The Court of Rent Controller, Abhoar, vide order dated 04.12.2020, allowed the eviction petition on the ground of personal necessity.



The tenant went in appeal which as dismissed by the Appellate Authority vide order dated 16.07.2024, leading to the filing to the instant revision petition.

9. Learned counsel for the parties were heard.

10. It was strenuously urged by learned counsel for the petitioner that the impugned orders are not sustainable. In essence, three fold arguments were addressed (i) the ingredients of Section 13(3)(a)(i) not having been pleaded, as a result of which, the petition could not have been maintained; (ii) the landlord having sufficient space for construction of a hall where the holy book could be shifted as a result of which the eviction should not have been allowed on the ground of personal necessity; (iii) the eviction petition being barred in terms of the provisions of Section 12 of the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997 (Punjab Act No.4 of 1998) (hereinafter referred to as '1998 Act').

11. Elaborating on the aforesaid grounds, learned counsel submitted, for the essential ingredients as laid down in Section 13(3)(a)(i) of the Rent Act were not pleaded in the eviction petition, the eviction petition itself was not maintainable. It was submitted that it is well settled that if the said pleadings are not a part of the eviction petition or the evidence, the eviction petition cannot be maintained.

12. On the ground of personal necessity, it was submitted that there was sufficient space within the premises of the Gurudwara Sahib which could be utilized for the construction of a hall and the holy book could very well placed in the said hall. Reference was made to the site plan and it was submitted that the eviction of the tenant from the demises premises was only account of the mere wish and desire of the landlord and the need, cannot, in



any manner, be stated to be *bona fide*. It was also submitted that apart from the Gurudawara Sahib, there were other properties owned by the landlord which were not disclosed in the eviction petition but would be sufficient for the purpose for which eviction is being sought.

13. Referring to the provisions of the 1998 Act, it was submitted that since the said Act was in operation and its vires had been upheld, an eviction petition under the provisions of the Rent Act could not be maintained. Reference was made to the definitions of Religious institution Section 2(d), Rent 2(f), the provisions of Section 3 and Section 12 which bars the jurisdiction of other Courts to entertain any suit or proceedings in respect of the eviction of any person who is in unauthorized occupation of any religious premises.

14. To lend support to their arguments, learned counsel placed reliance upon the judgments in the case of **Madhukar Vs. Sangram, 2001(2) RCR (Civil) 704, Karnataka Sate Road Transport Corporation Vs. Smt. Asmathunnisa, 2001(3) RCR(Civil) 720, Balraj Taneja Vs. Sunil Madan, 1999(4) RCR(Civil) 438, Northern India Caterers (Private) Ltd. and others Vs. The State of Punjab and others, 1967(69) PLR 781, Hari Singh Vs. The Military Estate Officer, 1972 RCJ 955, Jain Ink Manufacturing Company Vs. Life Insurance Corporation of India, 1980(2) RCJ 459, Ashok Marketing Ltd. Vs. Punjab National Bank, 1991 AIR (Supreme Court) 855, Harbhajan Singh Etc. Vs. State of Punjab and others, AIR (Supreme Court) 639, Cantonment Board and another Vs. Church of North India 2011(86) ALR 881, Baldev Singh Vs. Shree Sanatan Dharam Sabha and another, 2017(3) PLR 623 and Jai Parkash Goyal Vs. Shri**



Gurudwara Singh Sabha Sahib Virajman Gurugranth Sahib, Kukarmajra and another, 2009(4) RCR(Civil) 68.

15. Though, notice of motion was not issued, since learned Senior counsel representing the respondent-caveator was present, he was heard.

16. It was submitted by learned senior counsel that the ingredients of Section 13(3)(a)(i) were duly pleaded. He submits that even if the same had not been pleaded, it would not have made any difference, for no objection was raised in this regard in the written statement.

17. As regards *bona fide* necessity, it was submitted that it is well settled that a landlord is the best judge of his own requirements and a tenant is absolutely no one to dictate terms and conditions to the landlord. It was submitted that even otherwise, from the evidence led on record, it was duly proved that the demises premises was required by the landlord for its personal *bona fide* need as the landlord wanted to renovate the premises of the Gurudwara Sahib and make adequate space for keeping the holy book which would enable the devotees to pay obeisance on the ground floor and would not have to go to the first floor.

18. As regards the provisions of the 1998 Act and the argument that the eviction petition would be barred, it was submitted that the provisions of 1998 Act were in addition to the already existing legislation and the same, in no manner, struck at the jurisdiction of the Rent Controller and an eviction petition would duly be maintainable. In support of his contentions, reliance was placed upon **Baldev Singh Vs. Shree Sanatan Dharam Sabha and another, rendered in CR-1884-2017, 2017: PHHC:028500, Jai Paraksh Goyal Vs. Shri Gurudwara Singh Sabha Sahib Virajman Gurugranth**



Sahib, Kukarmajra and another, 2009(4) RCR (Civil) 68, Jagjit Singh Kohli and another Vs. City Mission Hospital, 2016(1) RCR(Rent) 250, Sarla Ahuja Vs. United India Insurance Company Ltd., 1998(2) RCR (Rent) 533, M/s Goyal Sanitary Stores & Ors Vs. Chander Kanta Talwar & Ors 2022(1) RCR (Rent) 213 and Amit Chand deceased through his LRs Vs. Jiwan Kumar and Another, 2021(2) RCR (Rent) 535.

19. I have considered the submissions made by learned counsel for the parties and with their able assistance, have perused the records.

20. It is well settled that a landlord is the best judge of his own requirements and a tenant is no one to dictate terms and conditions to the landlord. In the case of **Ragavendra Kumar Vs. Firm Prem Machinery AIR 2000 (SC) 534 Law Finder Doc ID #7593**, the Supreme Court of India reiterated the position of law that the landlord is the best judge of his requirements for residential or business purposes and has got complete freedom in the matter. In **Atma S. Berar Vs. Mukhtiar Singh 2003 AIR (SC) 624, Law Finder Doc ID #2083** also, the Supreme Court of India noted that one of the grounds for eviction contemplated by all the Rent Control legislations, which otherwise generally lean heavily in favour of tenants, is the need of the owner-landlord to have his own premises, residential or non-residential, for his own use and occupation. It was observed that the expressions employed by different legislations may vary such as 'bona fide requirement', 'genuine need', 'requires reasonably and in good faith'. It was observed that whatever be the expression employed, the underlying legislative intent is one and that has been demonstrated in several judicial pronouncements. Reference was then made to the judgment of a three Judges



Bench of the Supreme Court of India in the case of **Ram Dass Vs. Ishwar Chander & Ors 1988 AIR (SC) 1422 Law Finder Doc ID #54713**, wherein it was held that the need of the landlord should be genuine and honest, and it was also held that apart from the need being genuine and honest, it must have been conceived in good faith; and that further, the court must also consider it reasonable to gratify that need. Reference can also be made to the judgment of the Supreme Court in the case of **Sarla Ahuja Vs. United India Insurance Company Limited, 1998(8) SCC 119**, wherein this principle was reiterated. In the case of **Anil Kumar (d) and others Vs. P.R Aggarwal @ Paras Ram (d) Law Finder Doc ID #2594853**, the Supreme Court of India, while reiterating the aforesaid principle, held that Courts should not interfere in determining the suitability of the accommodation unless the need is disproved by cogent evidence.

21. Reverting to the facts of the present case, as regards the personal *bona fide* necessity, the site plan deserves a mention. The ground floor plan shows that shops on three sides of the premises of the Gurudwara Sahib on the old tehsil road. There is a big hall in the middle, which, the tenant wants the landlord to utilize instead of seeking his eviction from the demised premises. The first floor plan shows that it is mostly an open terrace with few rooms, kitchen, toilet etc. and a hall where the holy Guru Granth Sahib is placed.

22. The landlord instituted the eviction petition on the ground that the shops were to be got vacated and then the building was to be renovated in a manner that the holy book could be shifted to the ground floor which would make it convenient for the devotees, especially those in advanced age, to pay obeisance. In the considered opinion of this Court, the said need, under no



circumstances, can be said to be not *bona fide*. Keeping the principles of law in mind, it is held that it would solely be for the landlord to decide how the building was to be utilized and the tenant would absolutely be no one to suggest that some other portion of the building could be utilized for the need of the landlord. It has to be borne in mind that with the change in time, buildings also require renovation, both structurally and aesthetically as also depending upon the needs which change from time to time. Nobody would be in position to deny that it would be difficult for the old and infirm to go to the first floor to pay obeisance. Somebody may raise an argument that in these days, elevators can be installed. However, one would then again fall back to the settled law that it would be for the landlord to decide as to which portion is to be utilized for what purpose. Even otherwise, in most cases, the holy book is always at the ground floor where devotees come in large numbers and pay obeisance. First floors are utilized for the holy book but for Akhand Path etc. which are organized by the devotees on specific occasions. Under the circumstances, no fault can be found with the decision arrived at by the Court of Rent Controller and the Appellate Authority. Even otherwise, in revisional jurisdiction, and unless and until the decisions are found to be perverse, no interference is called for.

23. Coming to the ground of the ingredients of Section 13(3)(a)(i) not having been pleaded, the same is completely devoid of merit as the ingredients have duly been pleaded in the eviction petition (Annexure P-1). Even in the evidence, the said ingredients were pleaded. Still further, no objection was raised in the written statement, presumably because the ingredients were duly pleaded. It is well settled that in case such ingredients are not pleaded and no



objection is raised in the written statement, the petition cannot be said to be not maintainable. Reference can be made to the judgment of a Co-ordinate Bench in the case of **Rahul Jain Vs. Prahlad Singh 2014(4) RCR (Civil) 965** Law Finder Doc ID #629358:

“18. A perusal of the averments made in the eviction petition, as noticed above, would show that the respondent-landlord has pleaded all the ingredients of his personal necessity as required; may be the language of the averments is not very specific. It is well settled that if there is any defect in the pleadings of the landlord with regard to the ground of eviction, as raised under Section 13(3)(a)(i) of the Rent Act, the same is not fatal to the petition and the same can be rectified immediately on raising such an objection. This view finds support from the judgment of this Court in ‘M/s Bhatia Cloth House v. Dr. Raj Kumar Gupta and another’ 2008(4) RCR(Civil) 250, wherein it has been held as under:

“It is consistent position in law that ambiguity in pleadings regarding the ingredients, set out in Section 13(3)(a) of the Act, if made good in the evidence, is sufficient compliance of the statutory provisions.”

In ‘Raj Kumar v. Budha Mal’ 2011(2) RCR (Rent) 60, it was held that:

“Having perused the judgment in Banke Ram’s case (supra), this Court is of the opinion that of course ingredients of sub-section (b) and (c) of Section 13(3)(a)(i) of the 1949 Act are to be necessarily pleaded in the eviction petition, however, as held by the Full Bench in paragraph 12 of the judgment, this Court is of the opinion that it should not be understood that under no circumstances, in the absence of pleadings, the evidence regarding the ingredients envisaged under sub-section (b) and (c) can be looked into. Hence, in the opinion of this Court, if parties were fully aware about the ingredients of sub-section (b) and (c) at the time of leading evidence and both the parties have led evidence on these issues, then petition cannot be thrown out merely because the landlord has failed to plead ingredients of sub-section (b) and (c) in the eviction petition.”



24. Reference can also be made to the judgment of a Co-ordinate Bench in the case of **Suman Rani Vs Dharmender Rohilla, 2024(2) RCR (Rent) 368 Law Finder Doc ID #2635846:**

“18. It is no doubt true that necessary ingredients of Section 13(3)(a) (i) of the East Punjab Urban Rent Restriction Act, 1949 are required to be pleaded to the effect that the landlord requires the premises for his own occupation; that he is not occupying another building in the urban area concerned and that he has not vacated such a building without sufficient cause after the commencement of this Act in the said urban area. Reliance in this regard can also be placed upon the Full Bench Authority of this Court in *Banke Ram Vs. Shrimati Sarasvati Devi, 1977(1) R.C.R. (Rent) 595*. Further reliance can be placed upon a judgment of Hon'ble Supreme Court in *Attar Singh Vs. Inder Kumar, Law Finder Doc #61629*, wherein while interpreting the scope of Section 13(3)(a)(i) of the East Punjab Urban Rent Restriction Act, 1949, Hon'ble Supreme Court held that the words “for his own use” in Section 13(3)(a)(ii) is to be read in the light of sub clause (b) and (c) of the said provision and that the very fact that sub clause (b) and (c) require that landlord should not be in possession of any rented land for his own business and should not have given up possession of any other rented land shows that he can take advantage of sub-clause (a) only if he is able to show that he required the rented land for his business. Learned counsel for the tenant has also referred to *Om Parkash Vs. Jaswant Rai, 1975 R.C.R. (Rent) 702*, and *Shri Hans Raj and another Vs. Balraj Singh, 1978(1) R.C.R. (Rent) 346*, in order to contend that even if the plea regarding non-pleading of the necessary ingredients of Section 13(3)(a)(i) are not pleaded and no such objection is raised before the Rent Controller and Tribunal, the tenant can raise the said objection at any stage, as it is a legal point.

19. There can be no dispute to the proposition of law as enunciated in the Full Bench judgment of this Court and by the Hon'ble Supreme Court as has been discussed above and as relied by Ld. counsel for the respondent-tenant but at the same time, the Court cannot be oblivious to the fact that mere non-pleading of a fact, which is enshrined in the Statute can always be rectified, if a specific & relevant objection is taken at the initial stage. The tenant in this case failed to take any such objection in his reply to the petition. It is very important to notice that the ejectment petition was filed way back in November,

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2005 and in the reply filed in May, 2006, the respondent-tenant did not raise any such objection to the effect that necessary ingredients of Section 13(3)(a)(ii) of 1949 Act had not been pleaded by the landlady. Not only this, this issue was not even raised either before the Rent Controller or before the Appellate Authority, despite the fact that proceedings before these two Courts below remained pending from 2005 till 2019. It is for the first time that before this Court, this plea is being raised regarding the non-pleading of the necessary ingredients.

20. It has been held by this Court in *Sant Parkash Chaudhary Vs. Kewal Krishan Malhotra*, 2011(1) Civil Court Cases 787 that in case of non-pleading of the necessary ingredients, the flaw is not fatal and that pleadings have to be considered broadly in a rent petition, where it is not captive to the strict law of interpretation, which may be a situation in a civil suit and particularly when tenant failed to take objection in the written statement. Even in *Gurbaj Singh Vs. Parshotam Singh and others*, 2011(3) PLR 653, it has been held by this Court that when tenant fails to take any objection about non-pleading of the mandatory ingredients of Section 13(3)(a)(i) of the Act, nor any issue is framed in this regard, the objection being raised by the tenant in the revision is devoid of any merit and so, is liable to be rejected.

21. It will not be out of place to mention that even in *Shri Hans Raj's* case (*supra*), as has been cited by learned counsel for the respondent-tenant, it has been held by this Court that it is the discretion of the High Court to allow the plea to be taken regarding non-pleading of the necessary ingredients for the first time before this Court, when such a plea is not taken before the Rent Controller or the Appellate Authority. This Court relied upon *Kesho Ram Vs. Jagan*, 1977(1) RCR 622, and *Nathu Ram Vs. Ganga Ram*, 1977 RLR 960. In both these decisions, it has been held that it is in the discretion of the High Court to allow such a contention to be raised at the stage of arguments in the revision petition.”

25. A similar view was also taken by a Co-ordinate Bench in the case of *Gupreet Singh Vs. Taranjit Singh Bassi and another*, 2023(2) RCR (Rent) 647, Law Finder Doc ID # 2370289. In view of the same, even this argument raised by the tenant cannot sustain.



26. Now coming to the issue of an eviction petition being barred in view of the provisions of Section 12 of 1998 Act, it emerges that the said argument is also devoid of merit. The 1998 Act was enacted for eviction of unauthorized occupants from religious premises and for certain incidental matters. It is not in dispute that Section 2(d) define 'religious Institution' which includes gurudwara. Section 3(b) also deals with allottees, lessees etc. and Section 12 lays down the bar on jurisdiction. Section 2(d), 3(b) and 12 of the 1998 Act, read as under:-

"Section 2(d) "Religious Institution", means any gurudwara, temple, church, mosque, temple of Jains or Budhas - which is registered under the provisions of the Societies Registration Act, 1860 (Central Act No. XXI of 1860) or is established under any statute and includes any other place of worship by whatever name, it may be called, which is registered as aforesaid or is established under any statute;

"Religious premises", means any land whether used for agricultural or non-agricultural purposes, or any building or part of a building belonging to a Religious Institution and includes,

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

3(b) where he, being an allottee, lessee or grantee has, by reason of the determination or cancellation of his allotment, lease or grant in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such religious premises; or

12. Bars 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 Religious Institution under sub-section (5) of section 8 or any portion of such rent, damages or costs."



27. A co-ordinate Bench had the occasion to deal with a similar issue in the case of **Jai Parkash Goyal (supra)**. A categorical view was taken by the co-ordinate Bench that the eviction petition instituted under the Rent Act would not be barred in view of the provisions of Section 12 of the 1998 Act. It was held that that the provisions of the 1998 Act would be seen as really a privilege to a religious institution to short circuit the provisions of the 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 way of resort to Section 13 of the Rent Act. It was held that the benefit which a landlord can claim by approaching the authority under the 1998 Act would not be a benefit for the tenant.

“6. Between the two contentions of one, saying that the Rent Control Act is ousted of its jurisdiction and the other, saying that the Rent Control Act is not abrogated by Act 4 of 1998, the answer seems to lie in the fact that the Act 4 of 1998 contemplates action for eviction against "unauthorized occupants" from the religious premises through the machinery provided in the Act for the term "unauthorized occupants" includes inter alia even a person being a lessee, by reason of the determination or cancellation of the lease granted on his behalf cease whether before or after the commencement of the Act, to be entitled to occupy or hold such religious premises. The learned counsel for the petitioner states that the tenant who continues in possession of the property beyond the term of lease shall be considered as an unauthorized person and the order of eviction will be passed only under the Act.

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. At least, at the time when the petition was filed, with the operation of the stay of the enforcement of the Act 4 of 1998, the landlord was perfectly justified only in filing a petition before the Rent Controller.

8. The point, if at all, could be whether a landlord would be entitled to pursue both before the Rent Controller and before the Authority constituted under the Act of 1998. I have already referred to the fact that the counsel for the petitioner has made a statement giving up his right to prosecute before the competent authority under the Act and that he was pursuing the remedy only before the Rent Controller and the Authorities constituted under the Rent Restriction Act. [Section 12](#) could not have operated at the time when the petition was filed in view of the stay of operation of the Act, but even if the eclipse that it might have caused has been subsequently removed, still the remedy under the Act itself is not completely wiped out. [The Act](#) itself does not contain any provisions with reference to abatement of proceedings taken before the Rent Controller. [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 Act 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 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."

28. This decision was relied upon by a Co-ordinate Bench while dealing with an application under Order 7 Rule 11 CPC which had been moved



for rejection of an eviction petition raising the same objection. In this case, **CR-1884-2017 (Baldev Singh Vs. Shree Sanatan Dharam Sabha and another)**, decided on 22.03.2017, a Co-ordinate Bench held as under:-

“In the present case, as noticed the eviction is sought on various grounds which are available to the landlord including sub-letting and on bona fide requirement. It has been categorically averred that the shop in question is part of the bigger building which consists of 10 shops on the ground floor and the shops are unfit and unsafe for human habitation. Apart from that, material impairment and alteration had also been pleaded. Thus, the landlord is seeking eviction on various grounds for which it cannot seek eviction under the 1997 Act. The benefits which are accruable to the religious institutions are for eviction of the unauthorized occupants from religious premises and for certain incidental matters under the 1997 Act. Section 3 of the Act also talks about the persons who have unauthorizedly occupied any religious premises, whether before or after the commencement of the Act or sub let, in contravention of the terms of allotment, lease or grant, without the permission of the religious institutions. Protection has been granted under Section 12 that no court would have jurisdiction to entertain any suit or proceedings in respect of the eviction of any person who is in unauthorized occupation or for the recovery of the arrears of rent which are payable under Section 6 as arrears of land revenue or damages under sub-section (6).

In **Jai Parkash Goyal's case (supra)**, it was noticed that the said provisions are for the benefit of the institutions and if the landlord chooses to forfeit his right and treats the tenant as a statutory tenant, the jurisdiction of the authorities under the 1949 Act could not be doubted. Resultantly, in the above said case, the eviction order was, thus, upheld and the argument raised by the tenant that on account of the bar under Section 12, the authorities would have no jurisdiction was rejected.”

29. No doubt, the vires of 1998 Act, was upheld in the case of **Harbhajan Singh Etc. Vs. State of Punjab and others (supra)**. This would not advance the case of the petitioner since the judgment nowhere holds that an



eviction petition under the provisions of the Rent Act would not be maintainable.

30. A half hearted argument was also raised that in case of public premises, the Rent Act would not be applicable. However, the building of the Gurudwara Sahib, cannot, in any manner, be stated to be a public premises, as a result of which, the said argument would also be devoid of merit.

31. I have gone through the judgments relied upon by learned counsel for the parties. The first two judgments relied upon by learned counsel for the petitioner are as regards the Public Premises Act and the vires of 1998 Act, discussion as regards which has been made in the preceding paragraphs. The petitioner has very fairly also referred to the judgments in the case of **Baldev Singh (supra)** and **Jai Parkash Goyal (supra)** and has tried to distinguish them in view of the judgments of the Supreme Court of India which, as already held, would not come to the aid of the petitioner.

32. Another argument that the matter had not correctly been appreciated by the Appellate Authority and all issues had not been decided is also devoid of merit. There were no averments in the written statement as regards the applicability of the 1998 Act and the bar of jurisdiction of a Rent Court. In the grounds of appeal, preferred before the Appellate Authority (Annexure P-3), also this ground was not taken. Be that as it may, this alone would be no ground to remand the matter to the Appellate Authority, the same having been discussed and decided by this Court.

33. The judgments relied upon by learned counsel for the respondent-caveator have been discussed in the preceding paragraphs and are not required to be discussed again.



34. In view of the aforesaid, the revision petition(s) are found to be devoid of merit and are accordingly dismissed.

Pending application(s), if any, stands disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

Pronounced on 28.07.2025
Manoj Bhutani

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