

2025:PHHC:071622



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

CWP-15341-2025 (O&M)
Date of decision :26.05.2025

BHAN SINGH SINCE DECEASED THROUGH LRS.

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Umesh Kumar Kanwar, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the order dated 19.07.2019 (Annexure P-3) passed by the learned Deputy Commissioner, Amritsar; whereby, an execution application submitted by respondent No.4 (Langar Gurudwara Managing Committee, Gurudwara Sangrana Sahib, Tehsil and District Amritsar) seeking execution of an eviction order dated 14.06.2011 (Annexure P-1) in respect of land comprised in *khasra No.142//2 (8-0)* total land measuring *8kanals*, situated at Village Varpal, Tehsil and District Amritsar; has been allowed.

A further prayer has been made for setting aside the order dated 17.04.2025 (Annexure P-5) passed by the learned Commissioner, Jalandhar Division, Jalandhar; whereby, an appeal filed by the petitioner against the order dated 19.07.2019 (Annexure P-3) has been dismissed.

2. Concededly, an eviction order dated 14.06.2011 (Annexure P-1) came to be passed against the predecessor-in-interest of the petitioners namely, Sh. Bhan Singh in respect of the above-referred land. Apparently, the said eviction order has attained finality.

2.1 According to the petitioner, an execution application was filed for executing the eviction order dated 14.06.2011 (Annexure P-1); however, the same was dismissed for non-prosecution on 18.12.2012. It is required to be noticed that no such order dated 18.12.2012 has been placed on record.

2.2 Be that as it may, another execution application came to be filed by respondent No.4 on 01.03.2016, seeking execution of eviction order dated 14.06.2011 (Annexure P-1), which was allowed vide order dated 19.07.2019 (Annexure P-3). An appeal filed by the petitioner against the order dated 19.07.2019 (Annexure P-3) was dismissed by the learned Commissioner, vide order dated 17.04.2025 (Annexure P-5).

2.3 In the afore-mentioned circumstances, the present writ petition has been filed by the petitioner before this Court.

3. The only argument raised by learned counsel for the petitioner is that the execution application filed on 01.03.2016 for seeking execution of eviction order dated 14.06.2011 was barred by limitation as the same was not filed within a period of three years; however, the learned Commissioner dismissed the appeal filed by the petitioner by relying upon Article 136 of the Indian Limitation Act, to say that the ejection order was

executable like a decree passed by the Civil Court, wherein a period of twelve years is provided for filing of execution.

4. Heard.

5. I have considered the afore-said contention raised on behalf of the petitioner and carefully perused the paper-book.

6. Concededly, the eviction order dated 14.06.2011 (Annexure P-1) was passed under the provisions of the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997 (in short 'the 1997 Act'). It is required to be mentioned here that the learned counsel for the petitioner has failed to refer to any provision under the 1997 Act, prescribing any period within which an eviction order is to be executed.

6.1 No doubt, the application, seeking execution of eviction order dated 14.06.2011 (Annexure P-1) was filed on 01.03.2016 i.e. after a lapse of more than four years; however, in my considered view, Article 136 of the Limitation Act would not be applicable as there is no decree of any Civil Court, which is sought to be executed and neither there is any provision under the 1997 Act, indicating that an eviction order passed under the 1997 Act, is to be executed like a Civil Court decree.

6.2 Here it would be gainful to refer to the provisions of Section 5 of the 1997 Act, which reads as under:-

"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 outer door 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.”

6.3 A perusal of the above extracted provisions contained in Section 5 of the 1997 Act, would suggest that an order of eviction passed under the 1997 Act, is not required to be put into execution like a decree of Civil Court. All that is necessary is that after the time fixed for delivery of possession in the eviction order has expired and 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) of Section 5, the Collector or any other Officer duly authorized by him in this behalf may evict that person and deliver the possession of the religious premises to the concerned religious institution; and for that purpose, may use such force as may be necessary.

7. In view of what has been observed above, I find no merit in this petition and the same is, accordingly, dismissed. It is further directed that the petitioner or anyone claiming under him, shall handover the possession of the demised premises to the concerned religious institution within a period of thirty days from today; failing which, the authorities concerned shall take all necessary steps to recover possession of the

demised premises, even by resorting to police help and hand over the same to the concerned religious Institution, within the next thirty days.

8. All pending application/s, if any, shall also stand closed.

May 26, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No