

**IN THE COURT OF SH. D. P. REDDY, I.A.S., FINANCIAL
COMMISSIONER, PUNJAB, CHANDIGARH.**

ROR 780 of 2017

Date of Institution: 23.10.2017

Date of Decision: 21.5.2018

1. Jagrup Singh son of Bant Singh
2. Gurdev Singh son of Bant Singh
3. Baljit Singh son of Bant Singh
4. Avtar Singh son of Bant Singh

All residents of village Nanhera, Tehsil Samana (Now Tehsil Patran) District Patiala.

Petitioners

Versus

1. Gurudwara Sabhi Village Nanhera through his baitman Inder Dass Chela Dharam Dass, resident of village Nanhera, Tehsil Patran, District Patiala.
2. Om Parkash Chela Mahant Dharam Dass, resident of village Nanhera, Tehsil Patran, District Patiala through his Lr's
3. Shanti Devi widow of Om Parkash
4. Bharat Dass son of Om Parkash, both residents of Dulladi Gate, Nabha, District Patiala.

Respondents

Present: Sh. Hardeep Singh, Advocate counsel for the petitioners.

ORDER

1. This revision petition has been filed u/s 84 of the PEPSU Tenancy Act 1887, against the order dated 03.05.2017 passed by Commissioner Patiala Division Patiala and order dated 30.01.2013 passed by Collector (ADC) Patiala and order dated 21.10.2010 passed by A.C.1st, Grade, Patran, District Patiala.

2. Brief facts of the case are that Respondent no 1 had filed an ejectment partition and arrear of Rent against the petitioners from the period of 1995 to 1998 which was dismissed by Assistant Collector 1st Grade, Samana vide order dated 26.02.2001 with the direction to deposit the arrear of rent to the administrator appointed by the Deputy Commissioner. There was dispute

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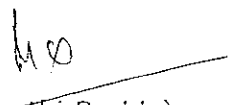
about the Mohatmimship between the petitioner and on Om Parkash. The Commissioner, Patiala Division, Patiala vide order dated 26.10.1998 had directed to District Collector to appoint an Administrator to supervise the property of the Shrine. There is also civil litigation between the present petitioners and respondent no. 2 for declaration and paying the rent of the suit land of the Dera which is still pending before the Hon'ble Punjab & Haryana High court and has not attained any finality. The respondent no. 1 is not entitled to claim the alleged arrear of rent and is not competent to file the alleged suit. The petitioner are in continuous and long possession of the suit land from the last 45 years and they become owners of the land on the basis of adverse possession. The lower court decided the suit in favour of the respondent vide exparte order dated 21.12.2008. Aggrieved by this order petitioner filed an application for setting aside the order dated 21.12.2008 and vide order dated 23.07.2009 the application was allowed. Thereafter the A.C.1st Grade vide order dated 21.10.2010 dismissed the exparte application of the petitioners and confirmed the order dated 21.12.2008. Aggrieved by this order petitioners filed an appeal before Collector who vide order dated 30.01.2013 dismissed the appeal. Still aggrieved by this order petitioners filed revision petition before the Commissioner Patiala who also dismissed the revision Petition. Hence Revision Petition.

3. I have heard the Counsel for the Petitioner as the counsel for respondent has not been turned up. The dispute is regarding the arrears of rent due towards the petitioners. The AC 1st vide his order dated 21.12.2008 held that the Gurdwara was entitled to realize the amount of Rs. 1,50,678/- and also that the petitioners were ordered to be evicted from the premises. The ADC-cum-Collector dismissed the appeal of the present petitioners. The Commissioner also held that there was no illegality or infirmity in the order of AC 1st and Collector.

4. In my view also, the tenants/petitioners are supposed to pay the arrears of rent as ordered by AC 1st and also liable to be evicted on the ground of non-payment of rent. The Revision petition is dismissed.

Announced.

Chandigarh, dated
The 21st May 2018


(Deva Pampathi Reddy)
Financial Commissioner, Punjab