

**THE COURT OF FINANCIAL COMMISSIONER REVENUE
(COMMISSIONER AGRARIAN REFORMS)
JAMMU AND KASHMIR AT JAMMU**

FILE NO.
82/FC/AP

DATE OF INSTITUTION
09.03.2011

DATE OF DECISION
20.01.2015

1) RAJESH KUMAR GIR S/O LATE KRISHAN GIR R/O QASBA PAIN, TEHSIL
NOWSHERA AND DISTRICT RAJOURI.

(PETITIONER)

VERSUS

2) INHABITANTS OF QASBA PAIN THROUGH BASANT LAL S/O LATE GIAN
CHAND R/O QASBA PAIN, TEHSIL NOWSHERA AND DISTRICT RAJOURI.

(RESPONDENT)

In the matter of:

**Revision petition against the order dated 25.02.2011
passed by the Divisional Commissioner, Jammu
wherein the order dated 06.05.2005 passed by the
Deputy Commissioner, Rajouri and the order dated
31.05.2005 passed by the Tehsildar Nowshera on
mutation No. 531 have been set aside in appeal.**

For Petitioner --- Advocate Ashok Gupta & Associates

For Respondent --- Advocate J.M.Rajdan/Adv. M.L.Gupta

J U D G E M E N T

- 1) The present controversy pertains to the management of the Mahadev Ji Temple and its land measuring 13 Kanal and 05 Marlas falling under Khasra No. 1 (09K -14M) and 20 (03K-11M) in village Qasba Pain, Tehsil Nowshera and District Rajouri. One Krishan Gir S/O Bawa Shiv Charan Baldev Gir, father of the petitioner herein was the Mohatmim (Manager) of the said temple. After his death, the Deputy Commissioner, Rajouri vide order No. SQ/209 dated 06.05.2005 appointed his son, the petitioner herein as the Mohatmim. Consequently, the Tehsildar Nowshera attested the mutation No. 531 dated 31.05.2005 by virtue of which the said order was incorporated in the revenue records.
- 2) Aggrieved, the respondent herein filed an appeal before the court of the Divisional Commissioner, Jammu challenging mutation No. 531 on various grounds. The court below after examining the relevant record and keeping in view the other aspects of the case observed that the petitioner herein is not eligible to be appointed as Mohatmim of the temple on the key count that he is an illiterate person. As such, he can't carry out the most important job of conducting prayers and managing the affairs of the temple property. Further, it was of the view that the petitioner herein is not discharging his duties in the temple properly and does not deserve to continue as such. It placed reliance on an order dated 06.08.1998 passed earlier by the then Financial Commissioner Revenue Ms. Sushma Choudhary in case titled, "**Shiv Ram Dass vs. Amrit Lal**" wherein it was held that a person can only be appointed as Mohatmim if he is a Celebate and a Tyagi. As a result, the order dated 06.05.2005 passed by the Deputy Commissioner, Rajouri along with mutation No. 531 dated 31.05.2005 was set aside.
- 3) Additionally, the court below directed the Deputy Commissioner, Rajouri to ask the SDM, Nowshera (if he be a Hindu) to take over the administration and management of the said temple and the properties appurtenant to it in villages **Qasba Pain and Nonial** with the further directions to initiate a fresh process for the appointment of a Mohatmim. It was further ordered to

ensure to make such appointments for each temple separately as one person can't manage the affairs of the temples at both the places simultaneously. For carrying out this job, a wide publicity should be given in the area through the Tehsildar concerned to provide an opportunity to the local persons for staking claim for the post of Mohatmim of the shrines and properties on the basis of the required qualification.

- 4) Aggrieved, the petitioner herein has filed the present revision petition challenging the order passed by the Divisional Commissioner, Jammu on various grounds. This court has gone through the case file, connected record and the written submissions filed by the parties. It has been observed that the court below has rightly addressed the controversy regarding the administration and management of the temple and its properties. But one important aspect of the findings drawn by the court below which has invited attention of this court is with regard to the illiteracy of the petitioner herein. The court below has held that he being an illiterate person can't perform the routine "pooja" in the temple. This court is of the considered opinion that no such qualification in the formal sense that could be supported through certificates is required for the appointment of Mohatmim of a shrine. An example could be the 'Aarti Pujaris' of **Shri Mata Vaishno Devi**, who incidently are married as well. So the observation of this court too about the requirement of such Mohatmims being celibate or tyagi is not strictly valid.
- 5) Leaving the same apart, this court holds that a detailed account of the earnings and expenditure of the shrine in any case has to be maintained. In order to make the process totally transparent, this court is of the considered opinion that a five member committee of public spirited and religious citizens should be appointed by DC Rajouri to assist the Tehsildar/Naib Tehsildar concerned in managing the affairs of the temple and its land. There should be a proper bank account in the name of the temple. If possible, CCTVs should be installed in the temple premises more particularly where the donation boxes are kept and where the cash etc. are counted. For free technical help in this regard, DC Rajouri is advised to contact the CEO, SMVDSB or CEO, SASB.

6) Having considered the facts and circumstances of the case and upon careful reflection, this court upholds the order passed by the court of the Divisional Commissioner, Jammu. The Deputy Commissioner, Rajouri is directed to actively supervise the management of the temple and its land till the aforesaid committee is formed. He shall sort out the modalities in this behalf so that the committee can be made functional within a period of 06 Months hereof. However, there shall be no bar to the appointment of the respondent herein as pujari of the said temple if it is found that his devotion, character and antecedents are good and beyond any doubt. No costs. Interim directions, if any, shall stand vacated. The case file be relegated to records after due completion.

Sd/-

**(Dr. Arun Kumar) IAS
Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu**

Announced today on this the **20th day of
January, 2015** under my hand and Seal of
this Court.