

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

<u>FILE NO.</u>	<u>DATE OF INSTITUTION</u>	<u>DATE OF DECISION</u>
438/FC-ARC/AP	11.12.2013	16.12.2014

1) SANATAN DHARAM SABHA COMMITTEE, NOWSHERA THROUGH
PRESIDENT JAGDISH CHANDER SAWHNEY.

(PETITIONER)

VERSUS

1) SHIV RAM DASS S/O RAM KUMAR DASS R/O NOWSHERA.

(RESPONDENT)

In the matter of:

**Revision petition against the order dated 10.12.2011
passed by the Divisional Commissioner Jammu with
the prayer to set aside the same.**

For Appellants --- Advocate Dara Singh

For Respondents --- Advocate J.M.Razdan

J U D G E M E N T

1) The present controversy pertains to the management of the **Thakur Dawar (Temple) and its land measuring 37 Kanal and 15 Marlas falling under Khewat No. 64, Khata No. 329 and 330 and Khasra No. 111 (01K -03M) in village Qasba Bala, Tehsil Nowshera and District Rajouri.** The Deputy Commissioner, Rajouri vide order No. SQ/134 dated 28.05.1994 appointed

one Shiv Ram Dass as Manager (Mahant) of the said temple. Consequently, the said order was incorporated in the revenue record by virtue of attestation of mutation No. 482 dated 14.06.1994.

- 2) Later, a dispute arose with regard to the appointment of the manager of the temple which had earlier also reached this court, the court of the Divisional Commissioner, Jammu as well as the Hon'ble High Court of Jammu and Kashmir. However, the sequenced information is not available as none of the parties have provided any record in this behalf except the order passed by the Hon'ble High court on 20.11.1998 in OWP No. 859/98 in which directions have been passed to the Deputy Commissioner Rajouri to complete the inquiry at an earliest, preferably within a period of 06 months.
- 3) Thereafter, on 25.06.2008, the respondent herein filed an application before the Divisional Commissioner, Jammu for calling a para wise report along with record of the case from 2005 till that date on a key ground that he has been subjected to vagrancy and starvation despite a direction from the Hon'ble High Court dated 09.06.2001 that the applicant is entitled to a monthly salary on account of rendering services to the said temple. The court below after examining the matter observed that the land falling under the aforesaid khasra numbers is owned by the **"Thakur Dawar Temple"** which has been entrusted to Shiv Ram Dass as Manager (Mohatmim) as per mutation No. 482 dated 14.06.1994. Afterwards, the management of the said temple was handed over to the Sanatan Dharam Sabha, petitioner herein which has been tilling the land and enjoying its fruits. But it has neglected the said temple for which no manager has even been appointed. The said sabha does not maintain the temple nor is paying any remuneration to the Manager (Mahant).
- 4) Moreover, the court below also called a report from the Deputy Commissioner Rajouri which was subsequently submitted on 12.02.2009 after calling a report from the Tehsildar concerned. An examination thereof shows that the Deputy Commissioner was of the view that the said Mahant does not deserve any remuneration or compensation. In addition, it appears from the record that the order appointing the said manager was

subsequently set aside by the Deputy Commissioner Rajouri vide No. SQ/354 dated 16.06.2001.

- 5) Thus, taking all this into consideration, the court below held that a detailed account of the earnings and expenditure of the shrine shall be maintained by the Sanatan Dharam Sabha. The same shall be monitored by the Tehsildar Nowshera, if he is a Hindu and in his absence by the Naib Tehsildar Nowshera, if he is a Hindu. The said Mahant, the respondent herein shall be paid a monthly remuneration of Rs. 2000-2500 out of the earnings of the shrine which could later be increased or decreased depending upon the income of the shrine.
- 6) Aggrieved, the petitioner herein has filed the present revision petition before this court 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 Divisional Commissioner, Jammu has rightly questioned the authority of the petitioner herein as to in what capacity the same is managing the affairs of the Temple. Surprisingly, later directing otherwise, it has ordered that the sabha shall manage the affairs of the shrine and that the said Mahant (respondent) shall be paid some remuneration as stated above. However, it has not been made clear as to why should the respondent be paid if the sabha has to manage the affairs of the temple.
- 7) Leaving the same apart, the court below has rightly held that a detailed account of the earnings and expenditure of the shrine should be maintained. Heading a step forward, 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 Nowshera 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.

8) 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 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 **16th day of
December, 2014** under my hand and Seal
of this Court.