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**(2007) 02 P&H CK 0032**  
**In the Punjab And Haryana At Chandigarh**

Shiromani Gurdwara Parbandhak Committee

APPELLANT

Vs

Bhupinder Singh

RESPONDENT

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**Date of Decision :** 12-02-2007

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2007) 147 PLR 607 : (2007) 3 RCR(Civil) 349

**Hon'ble Judges :** S.N. Aggarwal, J

**Bench :** Single Bench

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## Judgement

S.N. Aggarwal, J.—R.F.A. No. 1322 of 1980 (Shiromani Gurdwara Parbandhak Committee, Amritsar v. Bhupinder Singh and Ors.) and R.F.A. No. 1614 of 1980 (Bhupinder Singh and Ors. v. Shiromani Gurdwara Parbandhak Committee, Amritsar and Ors.) are directed against the same impugned judgment dated 2.5.1980 passed by the Court of Additional District Judge, Patiala. Since the common questions of law and facts are involved in both these appeals and the parties are the same, therefore there are being disposed of by one judgment. The parties would be referred to as per their status in R.F.A. No. 1322 of 1980.

2. The plaintiff-appellant Shiromani Gurdwara Parbandhak Committee, Amritsar (in short the Committee) filed a civil suit against the respondents u/s 28 of the Sikh Gurdwaras Act, 1925 (in short "the Act 1925"). The version of the plaintiff/appellant was that it was managing the Gurdwara known as Gurdwara Sahib Dera Baba Natha Singh of village Kapurgarh. It was declared as Sikh Gurdwara vide notification dated 23.6.1961 published u/s 7(3) of the Act, 1925. Notification was also issued by the Government of Punjab u/s 10(3) of the Act, 1925 on 31.1.1974 declaring the suit property to be the property of the Gurdwara under reference. No claim was filed by the respondent or anybody else. Since the Committee was entitled to its possession, therefore, the civil suit was filed u/s 28 of the Act, 1925.

3. The version of the defendant-respondents was that the plaintiff-appellant Committee was not managing the Gurdwara under reference. The property in

dispute belongs to the Dera of Natha Singh. It was not a Gurdwara. The appellant-Committee has got no locus standi to manage the suit property nor it has any locus standi to file the civil suit. It was denied if the Dera under reference was declared as a Sikh Gurdwara under the Act, 1925. The alleged notification was void, illegal and ultra vires. The publication of the notification u/s 7(3) of the Act, 1925 was admitted, but it was alleged to be without jurisdiction. It was pleaded that no opportunity was granted to its Mahant Ran Singh to file objections. The notification is also bad in law for the reason that proper representation as prescribed by law, was not made before the Government. The signatures of 16 persons were forged. It was denied if the property belonged to the Sikh Gurdwara or it was so declared under the Act, 1925 or if the appellant-committee was entitled to its possession. It was a Dera property and the Dera was founded by His Highness, Maharaja of Patiala. After its first Mahant Mohinder Singh was removed, Mahant Ran Singh was appointed to be the manager of the Dera. Said Mahant Ran Singh had appointed Bhupinder Singh defendant-respondent as its Mahant vide Will dated 28.2.1949. Mahant Ran Singh had also leased out the land to the extent of 5/6th share for a period of one year by patanama on 22.4.1962 and thereafter lease deed for 99 years was executed by him on 24.7.1962 in favour of the defendant-respondents. Therefore, the possession of Bhupinder Singh respondent was only that of Mahant after the death of Mahant Ran Singh but also as a lessee. Defendant-respondents No. 2 to 5 were also lessee in possession.

4. It was further pleaded that if it is taken that Mahant Ran Singh had no right to lease out the disputed property to the respondents, then they have become the owners by adverse possession being in its possession for a period of 12 years continuous, adversely exclusive, peacefully, openly, notoriously and unequivocally. They enjoyed hostile possession qua the true owner. The jurisdiction of the Civil Court was also disputed. The jurisdiction of the Court under Act, 1925 was also denied. It was also pleaded that the suit has not been properly valued for the purpose of Court fee and jurisdiction.

5. Legal objections were also pleaded that the Act, 1925 was ultra vires the Constitution. The notification issued under the Act, 1925 was illegal and ultra vires. The locus standi of the plaintiff-appellant Committee and the jurisdiction of the Court was also disputed and it was alleged that all the respondent-defendants were tenants on the land in dispute and therefore, the suit for possession was not maintainable. The legality of the verification of the plaint was also disputed, so also the resolution passed by the plaintiff-appellant Committee for the purpose of filing the civil suit. Hence, the dismissal of the suit was prayed.

6. On these pleadings, following issues were framed vide order dated 11.9.75:

1. Whether the plaintiff is a validly appointed Managing Committee of Gurdwara Sahib Dera Baba Natha Singh of village Kapurgarh as alleged? OPA
2. Whether the property in suit was declared to be the property of Sikh Gurdwara

as alleged, if so to what effect? OPA

3. Whether the defendants have become owners by adverse possession as alleged? OPD

4. Whether the plaintiff has no locus standi to file the claim? OPD

5. Whether the court has no jurisdiction to try the suit? OPD

6. Whether the plaint has been properly verified through a validly nominated person? OPD

7. Whether the notification is void? OPD

8. Whether the Act is ultra vires of the constitution? OPD"

The following additional issues were also framed vide order dated 19.11.1975 by learned trial Court:

8-A. Whether the objection taken by the respondent now in the reply cannot be taken as alleged? OPA

8-B. Whether Mahant Ran Singh could not lease out the property as alleged? OPA

9. Relief.

7. In support of its case, the parties examined witnesses and proved certain documents in support of their respective versions. The learned trial Court held that the plaintiff-appellant Committee was managing the Gurdwara under reference and therefore, it has the locus standi to file civil suit for possession. Accordingly, issues No. 1 and 4 were decided in favour of the plaintiff- appellant Committee. It was also held by the Court that notification issued under Sections 7(3) and 10(3) of the Act, 1925 had become final and the Civil Court has no jurisdiction to dispute its legality. Therefore, issue No. 2 was decided in favour of the plaintiff-appellant Committee. It was held that the defendant-respondents have not become owners by way of adverse possession as they were in possession as lessees. Therefore, issue No. 3 was also decided against the defendant-respondents. It was held that the Civil Court can certainly declare the rights of the plaintiff-appellant Committee on the land but it cannot deliver actual physical possession of the suit land to the plaintiff-appellant Committee. Accordingly, issue No. 5 was also decided. Issues No. 6 and 8 were not pressed. It was held that the validity of the notification in question cannot be gone into by the Civil Court and issue No. 7 was decided against the defendant-respondents. Issue N0.8-A was also decided in favour of the plaintiff-appellant Committee, while the lease deed allegedly executed by Mahant Ran Singh in favour of the defendant-respondents was held to be malafide. Accordingly, issue N0.8-B was decided against the defendant-respondents. In the net result, the suit property was held by the learned trial Court to be the property of the Gurdwara, which was declared as Sikh Gurdwara under the Act, 1925. The right to muafis was also held to be vested in the Gurdwara. It was held entitled to its> possession but

only symbolic possession was granted by the learned trial Court vide impugned judgment and decree dated 2.5.1980.

8. R.F.A. No. 1322. of 1980 was filed by the plaintiff-appellant to challenge the impugned judgment by which the actual physical possession of the suit land was not delivered to the plaintiff-appellant Committee.

9. Similarly, R.F.A. No. 1614 of 1980 was filed by the defendant-respondents to challenge the finding of facts recorded in favour of the plaintiff-appellant Committee.

10. Record has been perused and submissions have been considered.

11. It is not disputed by the respondents that notification u/s 7(3) of the Act, 1925 was issued by the Government of Punjab on 23.6.1961. Only its legality was challenged. This notification dated 23.6.1961 reveals that 60 persons, whose names have been given in the notification, had filed an application before the State Government on 29.12.1959 u/s 7(1) of the Act, 1925 for declaring Gurdwara Sahib Bhai Natha Singh as a Sikh Gurdwara within the meaning of the Act, 1925. The list of property also accompanied this application as required by Section 7(2) of the Act, 1925 and accordingly, notification u/s 7(3) of the Act, 1925 was issued by the Government of Punjab.

12. Legality of this notification has been challenged by the respondents in the written statement on the ground that the signatures of 16 persons on the petition submitted u/s 7(1) of the Act, 1925 were forged and therefore, neither the said petition was valid nor the notification published u/s 7(3) of the Act, 1925 by the Government of Punjab on 23.6.1961 is legal or valid.

13. This submission has been considered. This submission has no merits at all, in view of the legal provision incorporated in Sub-section (5) of Section 7 of the Act, 1925. it reads as under:

(5) Effect of publication of petition and list under Sub-section (3):- The publication of a notification under the provisions of Sub-section (3) shall be conclusive proof that the provisions of Sub-sections (1), (2), (3) and (4) have been duly complied with.

14. Since, the finality has been attached to the notification u/s 7(3) of the Act, 1925, therefore, the question raised by the defendant-respondents cannot be gone into at all and the notification issued u/s 7(3) of the Act, 1925 is presumed to be legal and valid and finality has been attached to it by Section 7(5) of the Act, 1925.

15. Even, otherwise, this matter has become final and. cannot be re-agitated. It may be noticed that C.W.P.No.447 of 1962 was filed by Mahant Ran Singh, which was admitted by this Court on 18.4.1962 and publication of the notification u/s 9(1) of the Act, 1925 was stayed. This writ petition was dismissed on 18.1.1965 on the statement of the counsel for Bhai Ran Singh as said Bhai Ran Singh had

expired before that date. Thereafter Bhupinder Singh (defendant-respondent No. 1) had filed C.W.P. No. 468 of 1965 for quashing the notification published u/s 7(3) and the notice issued u/s 7(4) of the Act, 1925. The said writ petition was dismissed by this Court vide order dated 4.2.1970. Similar submission was made by the learned Counsel for Bhupinder Singh defendant-respondent in the said writ petition, as is clear from the following observations made by the Hon''ble Judge in the aforesaid judgment.

The first submission of the learned Counsel for the petitioner is that the Home Secretary to Government, Punjab, should have enquired into the application dated January 23, 1962, of Bhai Ran Singh in order to find out whether the application u/s 7(1) of the Act had been signed by 50 worshipers or more. There is no substance in this submission in view of the judgment of a Full Bench of this Court in Mahant Lachhman Dass Chela Mahant Ishar Dass v. The State of Punjab and Ors. ILR 1968 P&H 499. The learned Counsel then submits that as there is no provision for such an enquiry in the Act, as held by the learned Judges of the Full Bench, this Court should enquire into that matter in a petition under Article 226 of the Constitution. I repel this submission also as it is not open to this Court to embark upon the investigation of acts, especially when conclusiveness to the preliminaries to the notification under Sub-section (3) of Section 7 has been provided by Sub-section (5) of Section 7, which has been held to be valid and constitutional by the same Full Bench. In view of the provisions of Section 7(5) of the Act, it is not open to me to enquire into that matter.

16. This judgment has become final. Not only because of the finality of the judgment dated 4.2.1970 but also because of the provisions of Section 7(5) of the Act, 1925 the chapter stands closed whether the petition filed u/s 7(1) of the Act, 1925 was filed by 50 or more persons or not. The notification published u/s 7(3) of the Act, 1925 has become final and conclusive.

17. Another submission made by the learned Counsel for the defendant-respondents was that no opportunity of hearing was given to Mahant Ran Singh to file objections against the said notification that it was the Dera known as Dera of Bhai Natha Singh of village Kapurgarh or if it was not a Gurdwara or that it could not be declared to be Gurdwara under the Act, 1925 and therefore, it could not be declared as a Gurdwara. Reliance was placed on the judgment reported as Shiv Rattan Deo Singh v. Shiromani Gurdwara Parbandhak Committee, Amritsar and Ors. A.I.R 1950 PNH 338 and another judgment reported as Committee of Management of Bunga Sarkar and Ors. v. Sardar Rangbir Singh and Ors. AIR 1951 HP 257.

18. This submission has been considered. If the place of worship under reference was a Dera of Bhai Natha Singh or if it was not a Gurdwara, objections could have been filed by hereditary office-holder or by twenty or more worshipers of the Dera or Gurdwara u/s 8 of the Act, 1925 against the publication of the notification u/s 7(3) of the Act, 1925. These objections could have been forwarded by the aggrieved persons to the State Government through the

concerned Secretary within 90 days from the date of publication of the notification u/s 7(3) of the Act, 1925. It has not been proved by the defendant-respondents, if any such objection petition taking the objections that the place of worship was not a Gurdwara but it was only a Dera or that it could not be declared to be a Sikh Gurdwara within the meaning of Act, 1925, was filed by Mahant Ran Singh, who is stated to be the Mahant at the relevant time. When no such objection petition was filed u/s 8 of the Act, 1925, Section 9 of the Act, 1925 comes into force. It reads as under:

9. Effect of omission to present a petition u/s 8.- (1) If no petition has been presented in accordance with the provisions of Section 8 in respect of a Gurdwara to which a notification published under the provisions of Sub-section (3) of Section 7 relates, the [State] Government shall after the expiration of ninety days from the date of such notification, publish a notification declaring the Gurdwara to be a Sikh Gurdwara.

(2) Effect of publication of a notification under Sub-section (1).- The publication of a notification under the provisions of Sub-section (1) shall be conclusive proof that the gurdwara is a Sikh Gurdwara, and the provisions of Part III shall apply to the gurdwara with effect from the date of the publication of the notification.

Since, no objection petition was filed either by the alleged hereditary office-holder, namely, Mahant Ran Singh or by any twenty worshipers of that place u/s 8 of the Act, 1925, therefore, the notification published u/s 7(3) had become final and conclusive u/s 9 of the Act, 1925 that the place of worship declared to be a Sikh Gurdwara is a Sikh Gurdwara within the meaning of this Act.

19. Moreover, similar submission has been already noticed by this Court in C.W.P. No. 468 of 1965 decided on 4.2.1970 that the objections were filed by Bhai Ran Singh beyond the period of limitation, even when he had received a notice u/s 7(4) of the Act, 1925. Since the defendant-respondents have not availed the remedy available to them u/s 8 of the Act, 1925, therefore, they have no right now to assert that it was a Dera and not a Gurdwara or that it could not have been declared to be a Sikh Gurdwara within the meaning of Act, 1925.

20. It was observed by this Court in the aforesaid judgment as under:

Since Bhai Ran Singh did not file the application under Sections 8 and 10 of the Act within time, the claim whether Dera Kapurgarh is a Sikh Gurdwara or not could not be adjudicated upon by the Tribunal under the Act. The fault lay with Bhai Ran Singh, who was not vigilant, and the petitioner cannot avail himself of the extra-ordinary remedy under Article 226 of the Constitution for that purpose. The remedy lay under the Act and is not open by way of writ petition.

Therefore, the judgments relied upon by the learned Counsel for the defendant-respondents are not applicable to the facts of the present case.

21. u/s 7(2) of the Act, 1925 a list of property attached with the Gurdwara is also to be sent along with the petition filed by fifty or more worshipers of the

Gurdwara u/s 7(1) of the Act, 1925. Notification issued u/s 7(3) of the Act, 1925 thereafter and even notices are sent to the persons who are shown to be in possession of the property belonging to the Gurdwara. As has been noticed in the judgment dated 4.2.1970. notices were sent to Bhai Ran Singh u/s 7(4) of the Act, 1925 regarding the suit property and the persons interested in the agricultural land were to file objections u/s 10(1) of the Act, 1925, within a period of 90 days. If such objection petition is not filed by the persons concerned, then the notification is published u/s 10(3) of the Act, 1925, which becomes the conclusive proof of the fact that none has any claim, right title or interest in the property notified. Section 10 reads as under:

10. Petition of claim to property including in a list published under Sub-section (3) of Section 7.- (1) Any person may forward to the [State ] Government through the [appropriate Secretary to Government] so as to reach the Secretary within ninety days from the date of the publication of a notification under the provisions of Sub-section (3) of Section 7, a petition claiming a right, title or interest in any property included in the list so published.

(2) Signing and verification of petitions under Sub-section (1).- A petition forwarded under the provisions Sub-section (1) shall be signed and verified by the person forwarding it in the manner provided by the Code of Civil Procedure, 1908 (5 of 1908), for the signing and verification of plaints, and shall specify the nature of the right, title or interest claimed and the grounds of the claim.

(3) Notification of property not claimed under Sub-section (1) and effect of such notification.- The [State] Government shall, as soon as may be, after the expiry of the period for making a, claim under the provisions of Sub-section (1) publish notification, specifying the rights, titles or interest in any properties in respect of which no such claim has been made, and the notification shall be conclusive proof of the fact that no such claim was made in respect of any right, title or interest specified in the notification.

22. The objection petition was filed by Bhai Ran Singh u/s 10 of the Act, 1925 but it was barred by limitation. It was dismissed. The writ petition No. 447 of 1962 filed by Bhai Ran Singh against the said order was dismissed as withdrawn on 18.1.1965. Thereafter Bhupinder Singh defendant-respondent had filed C.W.P. No. 468 of 1965, which was dismissed on 4.2.1970. It has become final. Since, no objection was filed by the defendant-respondents or by Bhai Ran Singh or by anybody else within the statutory period of 90 days u/s it) of the Act, 1925, therefore, the suit property stood declared to be the property of the Gurdwara under reference.

23. From the above discussion, it is clearly proved that notification was issued declaring the Gurdwara of Bhai Natha Singh to be the Sikh Gurdwara within the meaning of Act, 1925 u/s 7(3). No objection was filed within the meaning of Section 8 of the Act, 1925. Notice was issued to Bhai Ran Singh u/s 7(4) of the Act, 1925 but no such claim was filed either by Bhai Ran Singh u/s 10 of the Act,

1925. Accordingly, the notification dated 31.1.1974 was issued u/s 9(1) of the Act, 1925 in continuation of the notification dated 23.6.1961 published u/s 7(3) of the Act, 1925.

Notification u/s 10(3) of the Act, 1925 was also published, which conclusively proved that nobody else had any claim with regard to that property.

24. It may be noticed that the defendant-respondents were not in the picture when notification u/s 7(3) was published. They only claim to have derived their interest from Mahant Bhai Ran Singh. Therefore, they will sink or swim with him.

25. The submission of the learned Counsel for the defendant- respondents was that in the list of property filed along with notification dated 23.6.1961 only the land measuring 181 Bighas 19 Biswas has been given and not 281 Bighas 19 Biswas. Therefore, the plaintiff-appellants have no right to claim 281 Bighas 19 Biswas equivalent to 544 Kanals 14 Marias for the possession of which the suit has been filed.

26. This submission has been considered. There appears to be an inadvertent error in stating the total land in the list of property which was a part of notification dated 23.6.1961. It may be noticed that this list of property stating 181 Bighas 19 Biswas is based on the Jamabandi for the year 1951-52. A copy of the jamabandi for the year 1951-52 is also a part of this notification. It clearly reveals that the land was 281 Bighas 19 Biswas and not 181 Bigha 19 Biswas. Therefore, there cannot be any dispute about the land which was notified to be the property attached with the Gurdwara.

27. It was then submitted that as per the Jamabandi for the year 1951-52, the land is owned by the Government and it was in possession of Bhai Ran Singh Chela Bhai Sadhu Singh as Gair Marusi. It is not shown either to be owned by the Gurdwara or in possession of the Gurdwara. Therefore, no notification u/s 7(3) of the Act, 1925 could have been issued for this land.

28. This submission has been considered. Again, it has no merits at all. No claim has been filed by or on behalf of the Government of Punjab u/s 10 of the Act, 1925 if the said land is owned by it or it was not owned by the Gurdwara, Kapurgarh. Bhai Ran Singh was admittedly the Mahant of the Gurdwara under reference. It is never claimed by the defendant-respondents if Bhai Ran Singh was the tenant on the suit land or if he was a non-occupancy tenant on the suit land. Therefore, obviously the land was owned by the Gurdwara but it was in possession of its Mahant Bhai Ran Singh and for that reason notice u/s 7(4) of the Act, 1925 was issued to him to file any claim either Section 8 or u/s 10 of the Act, 1925 within the period of limitation. Accordingly, the application filed beyond limitation was dismissed by the Government of Punjab. When Bhai Ran Singh challenged the dismissal order of that application by filing C.W.P. No. 447 of 1962, it was dismissed as withdrawn on 18.1.1965 and the subsequent C.W.P. No. 468 of 1965 filed by Bhupinder Singh-defendant/respondent was dismissed by this Court vide judgment dated 4.2.1970.



29. So far as the lease deed dated 23.4.1962 executed by Bhai Ran Singh in favour of the defendant-respondents on 22.4.1962 for a period of one year is concerned, the period of said lease deed expired within a period of one year, while another lease deed was executed by Bhai Ran Singh in favour of Bhupinder Singh and other defendant-respondents on 24.7.1962 for a period of 99 years. This clearly reveals that this was so done by Bhai Ran Singh after the notification dated 23.6.1961 was issued u/s 7(3) of the Act, 1925. Even notice u/s 7(4) of the Act, 1925 was given to him on 11.7.1961 and the objections were to be filed within a period of 90 days, which expired on 11.10.1961. The objections were filed by Bhai Ran Singh on 26.10.1961, which were dismissed by the Government of Punjab on 14.11.1961. Thereafter, Bhai Ran Singh had filed a petition to the Home Secretary Government of Punjab. Even that petition was dismissed on 26.3.1962. Thereafter, Bhai Ran Singh had titled C.W.P. No. 447 of 1962 on 18.4.1962.

30. These facts, therefore, clearly reveal that the lease deeds were executed by Bhai Ran Singh on 22.4.1962 and on 24.7.1962 i.e. after the dismissal of his objections and after the dismissal of his representation made to the Home Secretary and after he filed the C.W.P. No. 447 of 1962 and the matter was sub-judice. Bhai Ran Singh adopted this course of executing these lease deeds with mala fide intention to defeat the orders passed by the Government of Punjab. After Bhai Ran Singh had challenged these orders by filing the writ petition on 18.4.1962, he had no right to execute the lease deeds for a period of 99 years. This was done by him with mala fide intention and even the defendant-respondents allegedly acquired the rights from Bhai Ran Singh with the same mala fide intention. Therefore, these lease deeds are nothing but the fictitious documents executed by Bhai Ran Singh to create interest in the defendant-respondents in order to defeat the legal rights which had come to be vested in the appellant-Committee. These lease deeds therefore, are obviously illegal and motivated and do not create any right in the defendant-respondents.

31. Moreover, the matter about the rights of Mahant Ran Singh was sub judice when he executed the lease deeds in favour of the defendant-respondents. Therefore, these lease deeds were to be subject to the decision of C.W.P. No. 447 of 1962, even it was dismissed on 4.2.1970. Therefore the lease deed executed in favour of defendant-respondents become non-existent in the eye of law.

32. At the most the defendant-respondents stepped into the shoes of Mahant Ran Singh. Since the executant of the lease deed had himself no legal right in the suit land, he could not pass on better title in favour of the defendant-respondents.

33. The next submission of the learned Counsel for the defendant-respondents was that they have become owners by adverse possession.

This submission has no merits at all. The defendant-respondents came in possession as lessees under Mahant Ran Singh. Therefore, they cannot claim to

be in possession of the suit land as trespassers. If the defendant-respondents alleged their possession on the suit land qua the plaintiff appellant Committee, even then the adverse possession is not made out. The notifications under Sections 9(1) and 10 of the Act, 1925 were published by the Government of Punjab in January 1974, i.e. before the completion of 12 years from the date of possession of the defendant-respondents. Even the suit for possession was filed by the defendant-respondents in May 1974 therefore, the defendant-respondents cannot say if they had open and uninterrupted or undisputed possession over the suit land. Moreover, the writ petition filed by Bhai Ran Singh claiming the legal rights in the suit land was dismissed by this Court in C.W.P. No. 447 of 1962 in January 1965, while C.W.P. No. 468 of 1965 filed by Bhupinder Singh-defendant-respondent was also dismissed on 4.2.1976. Therefore, the clouds were always cast on the rights of the defendant-respondents. Rather their rights were disputed and controverted. Therefore, the version of the defendant-respondents about their ownership by way of adverse possession is totally baseless. The finding of the learned trial Court on that aspect is also upheld.

34. Since, the plaintiff-appellant Committee had become the owner of the suit land after the issuance of the notification u/s 7(3), u/s 9(1) and u/s 10(3) of the Act, 1925, they had become the owners. Since the defendant-respondents were in possession of the suit land therefore, the suit for possession was filed by the plaintiff-appellant committee within the statutory period of one year u/s 28 of the Act, 1925 and therefore, it was entitled to its actual and physical possession. The period of limitation shall start from the date of notification published u/s 10 of the Act, 1925. Reliance was placed on the judgment of the Hon'ble Supreme Court reported as *Mamo v. Committee of Management Shri Gurdwara Sahib* 2000(1) R.C.R. 276 (S.C.). The said notification in this case was published on 31.1.1974 and the present suit was filed in May 1974. Therefore, it was within limitation.

35. Accordingly, the impugned judgment dated 2.5.1980 is modified to the extent that the plaintiff-appellant Committee is entitled to the actual, physical possession of the suit land. Since, the plaintiff-appellant Committee is entitled to the land owned by the Gurdwara, therefore, it is also entitled to the Muafi amount and the amount of compensation, if any. The appeal filed by the defendant-respondents is dismissed, while the appeal filed by the plaintiff-appellants is accepted.