

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 319/2025

CM No. 7761/2025

CAV No. 2623/2025

District Gurdwara Parbandak Committee Jammu & Anr.

.....Petitioners

Through: Mr. M. K. Bhardwaj, Sr. Advocate with
Mr. Gagan Kohli, Advocate.

Vs

Ranjeet Singh Tohra & Ors.

.....Respondents

Through: Mr. Vikram Sharma, Sr. Advocate with
Mr. Sachin Dev Singh, Advocate.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(07.09.2026)

01. When it is a matter of choice between principle and practice in the realm of law, then to what extent a given practice can be allowed to have its hold within scope of principle is an issue getting raised in this case of immense importance relating to working of a statutory entity constituted for the administration and management of sacred and service spirited Sikh Gurdwaras in Jammu district in particular and UT of J&K in general.

02. It is in the auspice of aforesaid proposition that the adjudication of the present matter is going to take its shape and settlement.

03. The Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 still continues to be in legislative effect and operation in the Union Territory of Jammu & Kashmir by reference to the Jammu & Kashmir Reorganization Act, 2019 in terms of section 95 sub-section 2 being placed in 5th Schedule (Table-4) at serial No. 147.

04. In terms of **section 10** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 for the purpose of administration and management of Sikh Gurdwaras establishment of a Prabandhak Committee for one or more district is envisaged.

05. **Section 11** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 provides for composition of a District wise Prabandhak Committee. While **Section 13** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 provides for terms of members of a District Prabandhak Committee, **Section 14** provides for general powers of the District Prabandhak Committee.

06. Gurdwara is defined in **section 2(d)** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 as meaning a place of worship where eternally holy and revered **Guru Granth Sahib Ji** is kept and which is constructed by Public donation or private individual or individuals and is accessible to all Sikhs including Sehajdari Sikhs, for the worship or for religious ceremonies. In relation to a Gurdwara, all moveable and immoveable

property attached there to or standing in the name is meant to be property.

07. **Section 10** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 is reproduced hereunder for the sake of reference and perusal:-

“10. Constitution of the Committee—

For the **administration and management** of Sikh Gurdwara, there shall be established a Prabhandhak Committee [for one or more District] in the manner as may be prescribed:

Provided that in case of first Committee to be constituted after the commencement of this Act, all the members of the Committee shall be nominated by the Government :

Provided further that the term of office of the members so nominated for such Committee shall not exceed one year.”

08. The important expression used in section 10 used is **“administration and management”** of Sikh Gurdwara.

09. **Section 14** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 provides as under:-

“14. General powers of the Committee—

Subject to the superintendence and control of the Board, a Committee shall have full powers of control over the office holders and all properties and income of whatever description belonging to the Gurdwara or Gurdwaras under its management and of enforcing the proper observance of all ceremonies and religious observance in connection with such Gurdwara or Gurdwaras and of taking all such measures as may be necessary to ensure the proper management of the Gurdwara or Gurdwaras

and the efficient administration of the property, income and endowments thereof.”

10. Section 3 of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 provides for composition and constitution of UT Sikh Gurdwara Prabhandhak Board.

11. There are rules framed under the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 which are known as Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Rules, 1975.

12. **Chapter II (Rules 3 to 35) of the Rules 1975** provides for conduct of elections to District Gurdwara Prabhandhak Committees.

13. A given District to elect its District Prabhandhak Committee is divided into Constituencies which cannot be more than 11 ensuring equal distribution of electorate in each Constituency which then comes to elect one member to be in the District Gurdwara Prabhandhak Committee of a given District.

14. **Chapter V** of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Rules, 1975 provides for financial powers of the UT Board as well as the District Committee.

15. **Section 56** provides for offerings to be dealt with by the cashier or any other person entrusted with the work of collection of offerings made in cash or kind at any Gurdwara for the purpose of

maintaining proper accounts thereof. The President or Secretary or Treasurer of a District Prabhandhak Committee or the authorized office bearers to open the box kept for offerings in cash or kind.

16. **Rule 58 in Chapter VI** of Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Rules, 1975 provides for appointment of staff for a District Committee and the power of staff appointment is vested in the President subject to confirmation by the Committee. Gurdwara fund is meant to be dealt with in terms of **Rule 61** and **Rule 62** provides for receipts to be furnished for all money received by any office bearer of the District Gurdwara Prabhandhak Committee for credit to the Gurdwara fund.

17. **Rules 63** provides for maintenance of the accounts of the Committee. **Rule 63 (b)** provides for suspension/removal of a Gurdwara Prabhandhak Committed by the board. **Rule 64** provides for reference to the board for final decision of any dispute regarding titled of any property or offerings arising between the District Gurdwara Prabhandhak Committees.

18. For the district Jammu, there is, thus, a constituted and established District Gurdwara Prabhandhak Committee which came to be constituted on the basis of the election to it thereby bringing in the elected ones as President, Vice-President, Secretary, Joint Secretary, Treasurers and six other members.

19. By appropriating the name of **District Gurdwara Prabhandhak Committee, Jammu**, its elected **Vice-President-S. Balvinder Singh**, co-joined by its elected Secretary S. Surjeet Singh came to institute a civil suit on file **No. 820/2025** on **06.05.2025** before the court of learned Sub-Judge, Jammu.

20. In said suit by two plaintiffs, the following persons came to be named as defendants:-

1. **S. Ranjeet Singh Tohra**, elected President District Gurdwara Prabhandhak Committee, Jammu;
2. **S. Karan Singh Bali**, Member District Gurdwara Prabhandhak Committee, Jammu;
3. Sardarni Harpreet Kour; &
4. S. Manmohan Singh.

The above named four defendants are figuring as the four respondents in the present petition preferred by the two petitioners who are plaintiffs in the suit.

21. In their suit, the declaration is being sought by the two above named petitioners that a course of action on the part of the respondents No. 1 & 2 to the effect that impugned letter **No. DGPCJ/077/2025** dated **03.05.2025** issued by the respondent No. 1 – Ranjeet Singh Tohra, President, District Gurdwara Prabhandhak Committee, Jammu authorizing the respondent No. 2 – S Karan Singh Bali, Member District Gurdwara Prabhandhak Committee,

Jammu to appoint and announce a local committee of **Gurdwara Chatti Pathshahi, Talab Tillo, Jammu** to be declared as null & void *ab initio* with a further declaration declaring impugned letter **No. 22/2025** dated **05.05.2025** issued by the respondent No. 2 – S Karan Singh Bali, Member District Gurdwara Prabhandhak Committee appointing the respondent No. 3 – Harpreet Kour and the respondent No. 4 – Manmohan Singh as President & Secretary of Gurdwara Chatti Pathshahi, Talab Tillo, Jammu to be declared as null and void with a consequential relief of permanent prohibitory injunction restraining the respondents No. 3 & 4 from acting as President & Secretary of Gurdwara Chatti Pathshahi, Talab Tillo, Jammu.

22. In the civil suit, it has come to be pleaded that the District Gurdwara Prabhandhak Committee, Jammu came to be constituted in an election exercise conducted in **June, 2022** in which the office bearers came to be elected to the post of President, Vice-President, Secretary, Joint Secretary & Treasurer and they being S. Ranjeet Singh, S. Balvinder Singh, S. Surjeet Singh, S. Ranvir Singh & S. Jagpal Singh respectively.

23. Thus, the civil suit is literally a vertical schism and spilt in the District Gurdwara Prabhandhak Committee, Jammu with two elected officials i.e. Vice-President – S. Balvinder Singh and Secretary – S. Surjeet Singh on one hand pitted against elected

President s Ranjeet Singh Tohra and elected Member Karan Singh Bali on the other hand.

24. S. Jagpal Singh, elected treasurer and S. Ranvir Singh elected Joint Secretary of District Gurdwara Prabhandhak Committee Jammu - have been left out on the sidelines as if committee is a personal fiefdom of the two petitioners as plaintiffs and respondents as defendants.

25. This Court has been caught in a serious and disturbing concern as to whether the District Gurdwara Prabhandhak Committee Jammu's office bearers and its elected members are acting out of their personal politics at the expense of the interest of the Committee in particular and of Sikh Sangat of entire District Jammu in general. In fact, this Court has no hesitation to rush an observance that scenario presenting itself is that of **fence trying to eat the crop**.

26. The court of learned Sub-Judge, Jammu, in terms of an order dated **30.06.2025**, came forward with the disposal of temporary injunction application thereby making absolute ad interim ex parte direction as given in an order dated **06.05.2025**. In terms of said ad interim ex parte order dated **06.05.2025**, operation of impugned communications dated **03.05.2025** and **05.05.2025** had come to be stayed and the defendants came to be restrained from taking over the affairs of **Gurdwara Chatti Pathshahi, Talab Tillo, Jammu**.

27. Against said injunctory direction so issued under purported reference to under Order 39 Rules 1 & 2 of the Code of Civil Procedure, 1908 by the court of learned Sub-Judge, Jammu, a civil misc. appeal under Order 43 rule 1(r) came to be preferred on file No. **115/2025** on **16.07.2025** by the respondents herein as being the aggrieved defendants.

28. The appeal came to be laid before the court of learned Additional District Judge, Jammu which came forward with an adjudication going in reverse to the order dated **03.06.2025** of the court of learned Sub-Judge, Jammu and dismissed the temporary injunction application of the petitioners as plaintiffs in the suit.

29. Thus, even the two Courts below have come in split decision in the backdrop of which this Court has come to be approached with present petition invoking article 227 of the Constitution of India in which the petitioners, as plaintiffs, are obviously meaning to get the order dated **30.06.2025** of the court of learned Sub-Judge, Jammu restored as against the respondents to serve their political edge, whereas the respondents on the other hand are aiming to salvage the order dated **07.11.2025** of the Additional District Judge, Jammu to serve their political ego., both treating the Gurdwara in reference as tug of war sport.

30. This case came to be heard for admission end and reserved for order.

31. In the course of perusal of the record of the case, this Court was left to pose many questions to itself as to whether the administration and management of Sikh Gurdwaras in the District Jammu is meant to have such like District Gurdwara Prabhandhak Committee officials in which the office bearers and elected members are at each other's throat least mindful of the pious and religious responsibility of sewa of Sikh Gurdwaras where service is meant to be the first and foremost as well as the last spirit of existence.

32. If left to the whims and wishes of the petitioners as well as of the respondents, then the Gurdwaras in and of district Jammu are meant to be political institution with liberty and exploit at their respective disposal and discretion of pick and choose of person/s of their respective liking and disliking to attend the day to day affairs of the Gurdwaras and funds related therewith.

33. There is no denial to the fact that the present Committee is in existence from 2022 onwards and is meant to be for a period of five years from the date of its constitution and by that reckoning the present incumbents who are in a state of in fighting are left with more than one year but surely less than two years and before demitting the office are intensely engaged to tighten and loosen respective side stranglehold of the Gurdwaras and in the process to leave the very essence of a district gurdwara prabhandhak committee a serious casualty.

34. From a bare reading of the plaint, the written statement thereto, memo of appeal as well as the present petition, this Court is of a firm view that both sides are resorting, be it by default or design, to misrepresentation and smoky display of facts and it is here where this Court's responsibility sets in to first bring all the true state of facts on board for the purpose of adjudication not only of this matter but also of the civil suit which otherwise is supposed not to have come into existence in case there would have been a duly constituted Board under the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 which then would have the overarching jurisdiction to set the infighting of the Committee to course correction with power to suspend/removal to the Committee.

35. The legal situation which pops up for the consideration of this Court is as to whether the mandate of administration and management of a Gurdwara/s by a given District Gurdwara Prabhandhak Committee as envisaged under section 14 of the Jammu & Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 provides a scope for Gurdwara-wise nominated/constituted or elected local administrative and management body and if so then to what extent a District Gurdwara Prabhandhak Committee can exercise its authority to constitute and establish a local Gurdwara Committee *qua* each and every Gurdwara and the modalities of constituting and establishing such a local body.

36. Thus, this Court directs the two petitioners from their respective side as well as the respondent No. 1 to come up with the respective affidavit as to how many Gurdwaras in District, Jammu are meant to be and are actually under the direct administration and management of the District Gurdwara Prabhandhak Committee, Jammu without any locally elected/established/setup/body, with administration and management thereof being done directly by the District Gurdwara Prabhandhak Committee through its office bearers and elected members without any intervenor body Gurdwara-wise of office bearers/managers/supervisors.

37. This Court directs the petitioner No. 2 – Surjeet Singh, Secretary, District Gurdwara Prabhandhak Committee, Jammu to submit an affidavit as to whether the donations, be it of cash or kind, with respect to each and every Gurdwara in the District, Jammu has been subjected to annual audit or not and if so then the audited statement of accounts of each and every Gurdwara as well as of the District Gurdwara Prabhandhak Committee be submitted positively by the next date of hearing.

38. This Court *suo-moto* impleads S. Jagpal Singh, elected Treasurer and S. Ranvir Singh, elected Joint Secretary as the party respondents to the present writ petition to whom notices shall go for their appearance in person or through their respective counsel.

39. Petitioners to furnish registered postal covers for the service of the newly impleaded respondents.

40. This Court is constrained to come up with this direction to the aforesaid effect soliciting affidavit from the petitioners as well as the respondent No. 1 in order to confirm as to whether the administration and management of Gurdwara Chatti Pathshahi, Talab Tillo, Jammu through the so-called administrators i.e. the respondents No. 3 & 4 is an exception itself or there are other Gurdwaras in District Jammu who are being so administered and managed through local nominated or self-nominated administrators without any accountability to the District Gurdwara Prabhandhak Committee, Jammu.

41. An individual affidavit to the aforesaid extent by the two petitioners and the respondent No. 1 shall be submitted before this Court by or before **05.10.2026** whereupon this Court shall be proceeding further to deal with the matter and dispose of not only this petition but also even the civil suit itself by recognizing the principle that is the prime duty of this Court to ensure that any litigation which has the effect of embroiling administration and management of religious places amongst factions needs to be curbed in the larger interest of general devotees and sangat related therewith.

42. List on **05.10.2026**.

43. Send for the record of civil suit on file **No. 820/2025** titled **“District Gurdwara Prabandak Committee, Jammu and another Vs Gurcharan Singh Tohra, President, District**

Gurdwara Parbandak Committee, Jammu and others” and of the appeal on file **No. Civil Appeal (civil)/115/2025** titled **“Ranjeet Singh Tohra and others Vs District Gurudwara Prabhandak Committee, Jammu and another”** from the court of Additional District Judge, Jammu.

(RAHUL BHARTI)
JUDGE

JAMMU
07.09.2026
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