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SMA/CLV

In the District of Amritsar

17-18

In the court of S. Dhian Singh, PCS, Subordinate Judge 1st Class
Amritsar.

CIVIL suit No. 1031 of 1982/1984
Institution date: 18.3.1982
Decided on: 23.12.1987.

General No. 1031 of 1982/1984

1. Saraswati Girls' School & Industrial College, a society registered under the Societies Registration Act 21 of 1960, through its Chairman and Manager, Shri Hans Raj Mittal, Advocate, Amritsar.
2. The D.A.V. College Managing & Trust Society, registered under the Societies Act, Chitra Gupta Road, New Delhi-110053, through Shri Hans Raj Mittal, Advocate, and Chairman of the Local Managing Committee, Amritsar.
3. The D.A.V. College of Education for Women, outer Circular Road, Amritsar, through Smt. R.L. Sethi, Principal of the aforesaid college.

.....Plaintiffs.

Versus.

The Municipal Corporation, Amritsar, through its Commissioner Town Hall, Amritsar.

.....Defendant.

Suit for permanent injunction.

-oo-

Present: Shri H.R. Mittal, Adv. for the plaintiffs.
Shri Padam Menon, Adv. for the defendant.

-oo-

Copy of JUDGMENT:

Saraswati Girls' School & Industrial College, which is a registered society; D.A.V. College Managing & Trust Society, and D.A.V. College of Education for Women, Amritsar, through Shri Hans Raj Mittal, Chairman and Manager of the Managing Committee, and Smt. R.L. Sethi, Principal of D.A.V. College of Education for Women, have filed this suit against the Municipal Corporation, Amritsar, for permanent injunction.

2. Attested that the brief facts of the case of the plaintiffs are that No. 1 is a society registered under the Registration Act, and it was running three

DAV College of Education for Women, Amritsar, namely, Saraswati Training College for Women

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Saraswati Girls Industrial School at Amritsar and Saraswati Higher Secondary School at Amritsar. The Municipal Committee of Amritsar, vide its resolution dated 16.4.1951, leased out 7489.2 sq. yards naqul land i.e. 1/3rd of 46 kanals 13 marlas of land, bearing khazra No. 525 Min/1939-O, situated outside Lohgarh Gate, Amritsar, for a period of 99 years w.e.f. 17.1.1955, for building there Girls School & Industrial Colleges etc., at a monthly rent of Rs.1/-: The possession of the land was delivered to the Manager and Chairman of the Society on 17.1.1955. Thereafter, the society constructed the buildings there. It has been running educational institutions in those buildings. On 5.5.1962, a meeting of THE SARASWATI Girls School was held, in which it was resolved to hand over the direct control of the financial and administrative matters of Saraswati Training College for Women, Saraswati Higher Secondary School and Saraswati Industrial School, Amritsar, to D.A.V. College Managing Committee. D.A.V. College Managing Committee, vide its resolution dated 17.2.1963, resolved to take over the administrative and financial control of the aforesaid three institutions. D.A.V. College Managing Committee is constituted by D.A.V. College Managing & Trust Society, Chitra Gupta Road, New Delhi, which is a registered society. The defendant sent a letter dated 26.3.1977, under the signatures of its Land Superintendent, enquiring from the plaintiffs about the decision of the taking over of the institutions. The defendant committee was apprised that only the Management of the institutions was handed over to the D.A.V. College Managing Committee. The defendants were not satisfied with this, and they required the plaintiffs to handover a strip of land, measuring 10' x 255' from the leased out land, as the lease is to continue for the stipulated period of 99 years. The defendants have no

Attested
DAV College of Education
Offg. P. Vinodpal
For Women, Amritsar.

20/2/1981
P.W.D.
M.M.B.H.