

Moti Ram v. The Collector Agrarian, Sangrur and others
(S. S. Sodhi, J.)

of an appeal by the State, we are of the view that such an appeal would lie to the High Court. The contrary view expressed in the two decisions cited earlier does not lay down the correct law."

(25) For the reasons aforementioned, our answer to the question posed in the beginning of the judgment is in the affirmative and we hold that the appeal in this case at the instance of the State Government of Chandigarh U. T. against the order under section 4 of the Act passed by the trial Magistrate lay only to this Court.

(26) In view of the above opinion, the registry is directed to entertain this appeal along with other such appeals.

H. S. B.

Before S. S. Sodhi, J.

MOTI RAM,—Petitioner.

versus

THE COLLECTOR AGRARIAN, SANGRUR AND OTHERS,—
Respondents.

Civil Writ Petition No. 2721 of 1976

April 27, 1983.

Punjab Land Reforms Act (X of 1973)—Section 5—'Adult son' mentioned in section 5—Whether includes Chela of a Mahant—Such Chela—Whether entitled to separate area as an 'adult son'.

Held, that the expression 'son' has not been assigned any special meaning under the Punjab Land Reforms Act, 1973 and has, therefore, to be understood in its ordinary usual sense of the meaning, the male child of a parent. The Chela as the 'spiritual son' of the Mahant does not thereby become the child and the Mahant its parent, according to the meaning of 'son' as is commonly understood. It would be putting a construction quite contrary of its true meaning, if for the purpose of this Act, a Chela is said to be the child and the Mahant his parent. The description of a Chela as the 'spiritual son' of the Mahant cannot be taken to bring him within the ambit of the word 'son' so as to entitle him to a separate unit of, permissible area under Section 5 of the Act.

(Para 3)

Petition under Article 226/227 of the Constitution of India praying that a writ of certiorari may be issued:—

- (a) *That the impugned order may be quashed and it be declared that no land of the petitioner is surplus.*
- (b) *ad-interim order may be issued staying the dispossession of the petitioner from the land in dispute till the final disposal of the writ petition.*

K. P. Bhandari, Advocate with Parmodh Singh, Advocate, for the petitioner.

S. K. Sayal, Advocate, for A.G. Punjab.

JUDGMENT

S. S. Sodhi, J.

(1) Do the words "adult son" occurring in section 5 of The Punjab Land Reforms Act, 1973 (hereinafter referred to as the Act) include the Chela of a Mahant, so as to entitle such Chela to select separate permissible area as an adult son is entitled to in terms thereof? This is the short controversy raised in this writ petition.

(2) Moti Ram petitioner held agricultural land in excess of the permissible area as defined in the Act. He claimed that he had a Chela Harka Das who was an adult and consequently Harka Das too was entitled to select separate permissible area under the Act. This contention was repelled by the Collector Agrarian when it was raised before him but no appeal being filed against his order, it does not appear to have been pressed as no mention is contained of any such plea in the impugned order of the Commissioner, Patiala Division, Patiala of March 11, 1976 (Annexure P—2).

(3) It was the contention of Mr. Bhandari, learned counsel for the petitioner, that the Chela of a Mahant was also entitled to separate permissible area and for this proposition his reliance was upon the observation made by the Supreme Court in *Sital Das v. Sant Ram* (1) where it was stated.

"It is well known that entrance into a religious order generally operates as a civil death. The man who becomes an ascetic severs his connection with the members of his natural

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family and being adopted by his preceptor becomes, so to say, a spiritual son of the latter. The other disciples of his Guru are regarded as his brothers, while the co-disciples of his Guru are looked upon as uncles and in this way a spiritual family is established on the analogy of a natural family."

The contention raised is patently devoid of merit. The expression "son" has not been assigned any special meaning under the Act and has, therefore, to be understood in its ordinary usual sense of meaning, the male child of a parent. The Chela as the "spiritual son" of the Mahant does not thereby become the child and the Mahant its parent, according to the meaning of "son" as is commonly understood. It would be putting a construction quite contrary of its true meaning, if for the purpose of this Act, a Chela is said to be the child and the Mahant its parent. The description of a Chela as the "spiritual son" of the Mahant cannot be taken to bring him within the ambit of the word "son" so as to entitle him to a separate unit of permissible area under the Act.

(4) The impugned order thus warrants no interference in writ proceedings and this writ petition is accordingly hereby dismissed. In the circumstances of the case, however, there will be no order as to costs.

H. S. B.

Before S. S. Sandhawalia, C.J. & A. S. Bains, J.

JOGINDER SINGH,—Petitioner.

versus

STATE OF HARYANA AND ANOTHER,—Respondents.

Criminal Writ Petition No. 33 of 1982.

April 28, 1983.

Code of Criminal Procedure (II of 1974)—Section 428—Persons sentenced to imprisonment for life—Whether entitled to set off their under trial period of detention against their sentence—Such under trial period—Whether to be included for the purpose of determining pre-mature release.