



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-30042-2024 (O&M)  
Date of Decision: 06.11.2024

SATPAL

...Petitioner

Versus

THE FINANCIAL COMMISSIONER, REVENUE, PUNJAB  
AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Amit Dhawan, Advocate  
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

**HARSH BUNGER, J. (ORAL)**

Petitioner (Satpal) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ of *certiorari* for setting aside the order dated 29.01.2019 (Annexure P-4) passed by the learned district Collector, Jalandhar; whereby the petitioner was dismissed from the post of *Lambardar* of Village Basti Guzan, Tehsil Jalandhar II, Jalandhar.

A further prayer has been made for setting aside the order dated 28.03.2022 (Annexure P-6) passed by the learned Divisional Commissioner as well as the order dated 18.04.2024 (Annexure P-8) passed by the learned

Financial Commissioner, Punjab; whereby an appeal and revision filed by the petitioner against the Collector's order dated 29.01.2019 (Annexure P-4) were dismissed, respectively.

2. Briefly, the petitioner was appointed as *Lambardar* of Village Basti Guzan. On dated 24.01.2019, a case FIR No.18, was registered at Police Station Navi Baradari, District Police Commissionerate, Jalandhar under Sections 419, 420, 465, 467, 471, 120-B IPC and Sections 81 and 83 of the Registration Act, 1908; for preparing a fake General Power of Attorney; wherein the present petitioner was arrayed as one of the accused.

2.1 The learned Collector, vide his order dated 29.01.2019 (Annexure P-4), dismissed the petitioner from the post of *Lambardar* by holding as under :-

*“In the present case, Sh. Satpal, Lambardar has attested the power of attorney as witness No.1 allegedly executed by some fraudulent persons who impersonated as Sh. Charanjit Singh s/o of Inder Singh, Rajinder Pal Singh son of Charanjit Singh, Smt. Aninder Kaur wife of Rajinder Pal Singh and Gurminder Kaur wife of Charanjit Singh. It cannot be believed that the Lambardar was not aware about the persons who had signed the documents as Charanjit Singh, Rajinder Pal Singh, Aninder Kaur and Gurminder Kaur. If he was not aware about the persons, who had signed the document, then he should not have signed the document without knowing them and even if he was not knowing about the identity of these persons, then he should have tried to ascertain their identity with help of Voter Card, Aadhar Card etc. It is well established principle that a person appointed on the post of Lambardar should be enjoying good reputation and unblemished image besides having personal influence in the locality. At the same time he*

*should also be trust-worthy; dedicated, a person of good character and ability having sincerity to duty and who could maintain the dignity of the office of Lambardar. Lambardar is also known as Headman of the village. He is expected to enjoy clean record not only at the time of his appointment but later as well. If a person who is not enjoying clean record, is permitted to continue as Lambardar, it will send a very wrong message to the residents of the village. It is so said because many government authorities would be dependent on the information supplied by the Lambardar. He is expected to assist the government agencies in the performance of public functions. It is not in public interest for such a Lambardar to remain in the office of Lambardar because he will continue to do irregular verifications in which interests of people will be jeopardized i.e. one party will be unlawfully benefited and the other party will be unlawfully suffering loss. If these type of persons are allowed to operate as Lambardar, then it would be difficult to save properties of the innocent persons, as there would be more chances for these persons to play in the hands of unscrupulous persons, may be for some personal benefit to execute the document in their absence. Due to negligence in discharging his duties Sh. Satpal, Lambardar has misconducted himself to such an extent that he made himself liable to be removed from the post of Lambardar. The contention of Sh. Sat Pal, Lambardar that he had identified Rajiv Kumar Sharma s/o Raj Kumar only and he was not personally known to above said Charanjit Singh, Gurmit Kaur, Rajinder Pal Singh and Aninder Kaur cannot be accepted, the same being against the provision made vide Paragraph 127 of the Punjab Registration Manual, which stipulates as*

*under :-*

***“127. Identification of Parties :- When a registering officer is not personally acquainted with executants, he shall require them to produce any of the following persons known to him personally to testify his identity :-***

- (1) A member of the Parliament.***
- (2) A member of the Legislative Assembly.***
- (3) A member of the Legislative Council.***
- (4) A member of the Zila Parishad/Panchayat Samiti/Gram Panchayat.***
- (5) A Lambardar.***
- (6) A Zail Sewak.***
- (7) An Up-Zail Sewak.***
- (8) A President / Vice-President/ Member of a Municipal Committee.***
- (9) A President/Vice-President/Secretary of a Co-operative Society.***
- (10) A retired Gazetted Officer.***
- (11) An ex-Military Officer.***
- (12) Any other well-known person residing in the same locality as the executants.***

**OR**

***Any of the following documents should also be recognised for the identification of executants by the Registering Officers :-***

- (i) Passport of the Executant.***
- (ii) Income Tax PAN Card of the executants.”***

***Provided that photo copies of such documents will be taken on the back of the deed through computer or photo copies of such documents will be attached with the document and the original documents will be perused and returned by the Registering Officer. The Registering Officer will certify on the photo copy of that he has seen the***

*original document and the photocopy is a true copy of the original.*

*A stamp Vendor/petition written/peon (class IV Government servant or a servant of a local body) should never be allowed to identify executants, not should be accepted as an identifying or attesting witness in respect of a document presented for registration. An interested party to a deed should not be allowed to identify the executants of the deed.”*

*In view of above statutory provision it is abundantly clear that the Lambardar was to identify the executants and not to Rajiv Kumar Sharma, the other witness, as such, he has clearly shown neglect in discharging his duty. Therefore, in view of all the facts and circumstances discussed hereinabove, I Varinder Kumar Sharma, IAS, District Collector, Jalandhar exercising the powers conferred under rule 16 of the Punjab Land Revenue Rules, 1909, dismiss Sh. Satpal from the post of Lambardar of Revenue Estate Village Basti Guzan, Tehsil Jalandhar-II, District Jalandhar with immediate effect. A copy of the order be sent through registered post to Sh. Satpal Lambardar (under dismissal). A copy of this order be also sent to Sub Divisional Magistrate, Jalandhar-II with the direction to take necessary action as per rules for filling up this post.”*

2.2           Feeling aggrieved against the afore-said order dated 29.01.2019 (Annexure P-4), the petitioner preferred an appeal before the learned Divisional Commissioner, Jalandhar, which was dismissed vide order dated 28.03.2022 (Annexure P-6).

2.3 A further revision (ROR-384-2022) filed by the petitioner was also dismissed by the learned Financial Commissioner vide order dated 18.04.2024 (Annexure P-8).

2.4 In the afore-mentioned circumstances, the petitioner has filed the present writ petition before this Court for the relief/s, as noticed here-in-above.

3. Apparently, the petitioner had attested the Power of Attorney as witness no.1, which was executed by certain persons, who impersonated themselves as Sh. Charanjit Singh, Sh. Rajinder Pal Singh, Smt. Aninder Kaur and Smt. Gurmeet Kaur. Even the Aadhar Cards of the said persons are stated to have been forged. Evidently, the petitioner did not ascertain the identity of the afore-said impersonators. If the petitioner was not aware of the identity of the afore-said persons then he should have been circumspect and careful in ensuring the identity of said persons by checking their status on the online portal of Aadhar Card by entering the Aadhar Card numbers supplied by the said impersonators, which intun would have prompted for an OTP (one time password), which is delivered on the registered mobile number of the concerned person, in whose name, the Aadhar Card had been issued. Accordingly, the identity of the person could have been easily ascertained. However, the petitioner failed to perform his duty diligently and responsibly.

3.1 The afore-said conduct of the petitioner, as noticed by the learned Collector; clearly establishes the negligent attitude of the petitioner towards performance of his duty as a *Lambardar*. A *Lambardar* is expected to be a trustworthy person, having ability to perform his duty with sincerity, diligently and responsibly, so as to maintain the dignity of his post, moreso

when a *Lambardar* is expected to assist the Government agencies in performance of public functions.

3.2 I have gone through the orders passed by the Authorities below and in my considered view, the learned Collector was fully justified in exercising his discretion under Rule 16 (ii) of the Land Revenue Rules and dismissing the petitioner from the post of *Lambardar*. The said order has been rightly affirmed by the learned Divisional Commissioner as well as the learned Financial Commissioner.

4. In view of the afore-mentioned facts and circumstances, I do not find any merit in the present writ petition and the same is accordingly dismissed.

5. All pending application(s), if any, shall also stand closed.

**November 06, 2024**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |