

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

Reserved on: 11.07.2025
Pronounced on: 08 .08.2025

WP(C) No. 560/2023
CM No. 1323/2023

Kamal Singh (Age 51 years)
S/o Roop Singh
R/O Village Dhaleri,
Tehsil Khawas, District Rajouri

.Petitioner(s)

Through: Mr. K.L.Pandita, Advocate.

Vs

1. UT of J&K through Commissioner-cum-Secretary, Revenue Department, Civil Secretariat, Jammu/Srinagar.
2. Deputy Commissioner, Rajouri
3. Additional District Magistrate, Rajouri Respondent(s)
4. Assistant Commissioner Revenue Rajouri
5. Tehsildar, Kotranka, Rajouri
6. Umesh Kumar S/O Subash Chander, R/O Village Dhaleri, Tehsil Khawas District Rajouri

Through: Mrs. Monika Kohli, Sr.AAG

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. The petitioner in the instant petition seeks quashing of order/communication No.DCR/2022-23/SQ/2855-56 dated 29.01.2023, whereby the name of private respondent has been

proposed for appointment as Lambardar for village Dhaleri, Tehsil Khawas, District Rajouri. The petitioner has further prayed for a direction to the respondents to allow the petitioner to perform the duties of Lambardar of Village Dhaleri, Tehsil Khawas, District Rajouri in terms of Rule 16(5) of Jammu & Kashmir Lambardari Rules 1980 till the elections for the post of Lambardar are held.

2. The order has been impugned on the ground that no opportunity of hearing was ever afforded to the petitioner before proposing the name of private respondent as Lambardar of Village Dhaleri, Tehsil Khawas, District Rajouri and as such he has been condemned unheard. It is further contended that as per Rule 16 Sub Rule 5 of the Jammu & Kashmir Lambardari Rules, the term of the office of the Lambardar shall continue till he dies or is dismissed/discharged or till the general election of Lambardars is held. In the present case, neither the petitioner has been dismissed nor discharged and the only mode of replacing the petitioner under these circumstances is by way of election and as per the order/communication impugned, the official respondents are resorting to appoint the Lambardars by way of proposal submitted vide impugned communication in which the name of private respondent has been proposed for the post of Lambardar of Village Dhaleri, Tehsil Khawas, District Rajouri when, in fact, the petitioner is holding the post of Lambardar and is required to be allowed to continue as per Rule 16(5) of the J&K Lambardari Rules, 1980.

3. The respondents have filed the response stating therein that the petitioner being Lambardar has miserably failed to perform his duties as a consequence of the same, large quantum of State land got encroached by the illegal occupants. Had the petitioner conveyed the ground reports to the concerned Revenue Officer(s)/Official(s) well in time, the resources and manpower which was exhausted by the State functionaries in retrieval of State Land would have been used for the welfare of public at large. It is further contended that they have been continuously receiving complaints against the existing Lambardar that he is not discharging his legitimate duties properly. Taking cognizance of the matter, respondent No.5 called report from the field authorities in this regard through Naib Tehsildar and Patwari concerned and as per the reports received it has been established that Lambardar was not discharging his duties as mandated under the Act and Rules framed thereunder. Further the official respondents contend that reasonable opportunity of being heard was provided to the petitioner, but, he failed to reply satisfactorily. Accordingly, vide communication dated 31.01.2023, the case of petitioner was recommended for dismissal and vide order No.DCR/L/Acctt/1525-1530 dated 08.02.2023, the petitioner was dismissed from the post of Lambardar and temporarily appointed one Neha Kumari D/O Jaswant Singh as substitute Lambardar for a period of six months or till the elections are held.
4. Heard learned counsel for the parties and perused the record.
5. In case titled **Bashir Ahmed Teli Vs State of J&K & others** passed in OWP No. 1809/2017 along with clubbed matters, this Court has

already held that no vested right exists in Lambardars who are appointed otherwise than by election to continue till the elections are held. In terms of Rule 16 of the Jammu & Kashmir Lambardari Rules, 1980, even an elected Lambardar can hold the post of Lambardar for a period of 5 years or till the age of 60 years whichever is earlier.

6. As stated by the official respondents, the petitioner stands dismissed and one Neha Kumari has been appointed as Lambardar. The petitioner has neither assailed the order of his dismissal nor the appointment of Neha Kumari as Lambardar, therefore the relief sought for by the petitioner cannot be granted. Accordingly, this petition is disposed of by directing the official respondents to conduct the elections of Lambardar for village Dhaleri within the period of three months from the date of receipt of copy of this order.

7. **Disposed** of alongwith connected CM(s).

(RAJNESH OSWAL)
JUDGE

Jammu
08.08.2025
Madan Verma-Secy

Whether the order is speaking: Yes
Whether the order is reportable: No.