

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.1579 of 2015

Date of Decision: February 10, 2015

Ramandeep KaurPetitioner
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Amandeep Saini,Advocate, for the petitioner.
Mr.Aman Bahri, Additional AG, Punjab.

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- 1· *Whether Reporters of Local papers may be allowed to see the judgment?*
- 2· *To be referred to the Reporters or not?*
- 3· *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 4 only at
this stage.

On our asking, Mr.Aman Bahri, learned Additional
Advocate General, Punjab, accepts notice on their behalf.

Let four copies of the writ petition be supplied to
the learned State counsel during the course of day failing
which this order shall be automatically recalled and the writ
petition shall be deemed to have been dismissed for non-
prosecution.

In view of the nature of order which we propose to
pass, there is no need to seek any counter-reply from
respondent Nos.1 to 4 or to serve perma respondent Nos.5
& 6 at this stage as no order prejudicial to their interest is
being passed.

The petitioner's grievance is against the order dated 15.09.2014 passed by the Sub Divisional Magistrate-cum-Assistant Collector, 1st Grade, Nawanshahr, whereby he has sent the case to the Naib Tehsildar, Nawanshahr for processing the case of appointment of Lambardar of village Usmanpur, District Nawanshahr, observing that the candidates who have applied including the petitioner (Ramandeep Kaur) are ineligible. So far as the petitioner is concerned, it is observed that she does not own any land, therefore, she is ineligible for the post of Lambardar.

In our considered view, the above-stated order suffers from atleast two patent illegalities, namely, that instead of remanding the case to the Naib Tehsildar for de novo consideration, the Sub Divisional Magistrate ought to have put up the case before the Competent Authority, i.e., the Collector, Nawanshahr alongwith his opinion-cum-recommendations.

Secondly, the observation that the petitioner is ineligible as she does not own any land, it may be mentioned that according to the petitioner, she has got share in the ancestral immovable property by birth. She would thus be entitled to produce the relevant record before the Collector to prove that she qualifies the condition of Rule 15 (b) of the Punjab Land Revenue Rules as well. Needless to say that the Collector being the Competent Authority shall objectively consider the merit of each candidate and then determine whether any one of them is suitable for appointment as Lambardar.

For the reasons afore-stated, we allow this writ petition in part; modify the order dated 15.09.2014 of the Sub

Divisional Magistrate-cum-Assistant Collector, Grade-I,
Nawanshahr and direct that Authority to refer the case to the
Collector, Nawanshahr for appropriate decision, within a
period of two months from the date of receiving a certified
copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 10, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE