

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 18511 of 2015

Decided on : 03.09.2015

Gurdev Singh

... Petitioner

Versus

Financial Commissioner and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. J.K. Singla, Advocate
for the petitioner.

G.S. Sandhawalia , J. (Oral)

In the present writ petition the challenge is to the orders dated 15.01.2013 (Annexure P-3), 08.05.2013 (Annexure P-5) and 11.03.2014 (Annexure P-7), whereby the petitioner's application for dismissal of respondent No.4 from the post of Lambardar of village Bhundar, Tehsil Phul, District Bathinda has been rejected.

The case of the petitioner is based on the strength of criminal proceedings pending against the said respondent in the shape of one FIR No.29 dated 17.06.2010 under Section 379, 427 IPC and one criminal complaint No.30 dated 15.11.2010 under Section 307, 324, 326, 447, 34, 120-B, 166, 167, 217, 218, 506 and 341 IPC, in which the said respondent has been summoned under Section 324, 326 and 341 IPC vide order dated 19.04.2012.

The authorities below have found that there is litigation *inter se* the respondent with the present petitioner regarding the possession of land and even in the mutation proceedings, the Sub-

Divisional Magistrate, Rampura had decided in favour of the said respondent.

The defence of the said respondent is also that the said proceedings have been falsely lodged against him and on the strength of the said defence, the show cause notice issued was withdrawn with the observations that further proceedings would be initiated after the final decision of the Court. The relevant portion of the order of the Collector dated 15.01.2013 reads as under:-

“Today Major Singh lambardar present and heard. Complainant and his counsel were not present in the Court. It is to be proved from the record produced by Major Singh lambardar that actually disputes regarding land between Major Singh lambardar and complainant and their cases are pending in different-different Courts and due to this dispute/revenge complainant Gurdev Singh filed the present complaint. In relation with regard to One FIR registered against Major Singh lambardar and One Criminal Complaint filed against him and proceedings in both the cases are going in Court and final decision still pending. Further proceedings will be initiated after final decision of the Court. In these circumstances, the show cause notice issued to Sh. Major Singh lambardar of village Bhundar has been withdrawn and the present proceeding was stopped here. Whenever the decision will come of the pending Court cases against lambardar then as per that decision further proceeding will initiate. File is being sent in record room.”

The petitioner was not satisfied with the abovesaid observations and approached the Commissioner Faridkot Division, Faridkot and the Financial Commissioner (Revenue), Punjab,

Chandigarh.

The Financial Commissioner has rejected the revision on the ground that the complainant himself is the present petitioner and dispute stems out of the property in dispute *inter se* the parties and, therefore, the Lambardar cannot be unseated on account of village politics. The reasoning given by the Financial Commissioner cannot be held to be perverse in any manner. The Collector has given liberty to the petitioner to revive the proceedings in case there is any conviction recorded against the said respondent.

In such circumstances, there is no scope for interference in the present writ petition and the same is dismissed accordingly.

SEPTEMBER 03, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE