

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 23908 of 2015

Date of Decision: November 06, 2015

Kashmir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Harish Nain, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 27.10.2010 (Annexure P/1) passed by respondent no.3 – District Collector, Jind, appointing respondent no.4 – Radhey Sham son of Sh. Inder Singh as Lambardar of Village Bahadurpur, Tehsil Safidon, District Jind, order dated 20.10.2011 (Annexure P/2) passed by respondent no.2 – Commissioner, Hisar Division, Hisar and order dated 18.09.2014 (Annexure P/3) passed by respondent no.1 – Financial Commissioner Haryana, whereby appeal and revision filed by the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Madan Lal, previous Lambardar of Village Bahadurpur, Tehsil Safidon, District Jind, applications were invited from

the interested persons by making proclamation in the village. The Collector, after appreciating the comparative merit of the candidates found Radhey Sham - respondent no.4 to be fit and suitable candidate and vide order dated 27.10.2010 (Annexure P/1) appointed him as Lambardar of the village. Against the order (Annexure P/1), petitioner preferred an appeal before the Commissioner. The Commissioner, Hisar Division, Hisar vide order dated 20.10.2011 (Annexure P/2) dismissed the appeal. Thereafter, petitioner preferred a R.O.R. before the Financial Commissioner, which has also been dismissed vide order dated 18.09.2014 (Annexure P/3). Hence, instant writ petition.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently contends that findings recorded by the Collector, Commissioner and the Financial Commissioner with regard to illegal possession of the petitioner upon shamilat/panchayat land are wrong and made reference to demarcation report dated 18.12.2013 (Annexure P/4).

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

Earlier report of Sub Divisional Officer (Civil), Safidon dated 13.10.2010 (Annexure P/6) indicates that the petitioner is in illegal possession. Even if it is excluded from consideration, still Collector has come to the conclusion that respondent no.4 is a better candidate than the petitioner.

In view of law laid down by Hon'ble the Supreme Court of India in the case of **Mahavir Singh Vs. Khiali Ram & others, 2009(3)**

SCC-439, Lila Ram Vs. Asa Ram, 1995 Lahore Law Times-29 followed by Division Bench of this Court in the case of **Phool Kumar Vs. State of Haryana and others, 2010(2) RCR (Civil) 819**, the choice of the District Collector cannot be lightly set aside.

In **Mahavir Singh's** case (supra) the Hon'ble Supreme Court of India has observed that there should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. It is only the prerogative of the Collector to compare the merits of the candidates for appointment to the post of Lambardar.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the Collector. The findings of the Collector have been affirmed by the Commissioner and the Financial Commissioner.

In view of above discussion, the present writ petition fails.

Dismissed in limine. No order as to costs.

November 06, 2015
vkd

[Paramjeet Singh]
Judge