

**In the High Court of Punjab and Haryana at Chandigarh**

**C.W.P. No. 25857 of 2015**

**Date of Decision: December 10, 2015**

*Jagdish Singh*

*... Petitioner*

*Versus*

*Financial Commissioner, Punjab and others*

*... Respondents*

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH**

Present: Mr. Naresh Chander, Advocate,  
for the petitioner.

**Paramjeet Singh, J. (Oral)**

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 25.04.2012 (Annexure P/2) passed by respondent no.3 – District Collector, Patiala, appointing respondent no.4 – Iqbal Singh as Lambardar of Village Kishangarh, Tehsil Nabha, District Patiala, order dated 28.11.2013 (Annexure P/4) passed by respondent no.2 – Divisional Commissioner, Patiala Division, Patiala and order dated 01.07.2015 (Annexure P/7) passed by respondent no.1 -

the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Jagrup Singh, previous Lambardar of Village Kishangarh, Tehsil Nabha, District Patiala, applications were invited from the interested persons by making proclamation in the village. In pursuance of the proclamation, 13 applications were submitted by the applicants. The Collector, after appreciating the comparative merit of the candidates found Iqbal Singh – respondent no.4 to be fit and suitable candidate and vide order dated 25.04.2012 (Annexure P/2) appointed him as Lambardar of the village. Against the order (Annexure P/2), petitioner preferred an appeal before the Commissioner. The Commissioner, Patiala Division, Patiala vide order dated 28.11.2013 (Annexure P/4) dismissed the appeal. Thereafter, petitioner preferred a R.O.R. before the Financial Commissioner, which has also been dismissed vide order dated 01.07.2015 (Annexure P/7). Hence, instant writ petition.

I have heard learned counsel for the petitioner and perused the record.

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. There are concurrent findings recorded by the revenue authorities.

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

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

Dismissed in limine.

**December 10, 2015**  
vkd

**[Paramjeet Singh]**  
**Judge**