

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

LPA No.2030 of 2014 (O&M)

Date of Decision: 19.01.2015

Jaspal Singh

... Appellant

VS.

FC (Appeals), Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE RAJ MOHAN SINGH

Present: Mr. Rakesh Bakshi, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appointment of respondent No.6 as Scheduled Caste Lamberdar of Village Fatehpur, Tehsil Jagadhari, District Yamuna Nagar is the subject matter of challenge in this Letters Patent Appeal.

(2) The undisputed facts are that respondent No.6 was appointed as Lamberdar by Collector, Yamuna Nagar and the appellant's appeal and revision petition challenging that appointment were dismissed by the Commissioner, Ambala Division, Ambala and the Financial Commissioner, Haryana, respectively. The appellant challenged those orders before learned Single Judge on the ground that (i) respondent No.6 is not a resident of the village as he holds land in village Chouri, Tehsil Saharanpur (UP); and (ii) he has encroached upon the Gram Panchayat land comprising *phirni* of the village. Learned Single

Judge has rejected the two-fold contentions of the appellant for want of proof and consequently dismissed the writ petition.

(3) We have heard learned counsel for the appellant and gone through the paper-book.

(4) The contention that respondent No.6 is not a resident of the village as he owns land in District Saharanpur (UP) deserves outright rejection for the reason that the appellant sans evidence like Ration Card, Voter-List, Driving Licence, power consumption bill etc. to show that respondent No.6 actually resides in Saharanpur District (UP). In the absence of any evidence whatsoever, the finding of fact returned by the authorities that he is permanent resident of village Fatehpur deserves acceptance. Similarly, there is no evidence whatsoever on record to prove any encroachment by respondent No.6 over the Gram Panchayat land.

(5) The legal position is well settled that ordinarily the choice of the Collector should not be interfered with unless found to be tainted with perversity, extraneous or unmerited considerations. No such case having been made out by the appellant, we decline to interfere with the impugned order and dismiss the appeal.

CM-4285-LPA-2014

Since we have dismissed the appeal on merit, no specific order is required to be passed in this application which is accordingly dismissed.

(Surya Kant)
Judge

19.01.2015
vishal shonkar

(Raj Mohan Singh)
Judge