

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.1581 of 2015
Date of Decision: 2.11.2015

Manohar Lal

..Appellant

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Dinesh Sharma, Advocate, for the appellant.

RAJIVE BHALLA, J.

The appellant challenges order dated 15.9.2015 dismissing his writ petition, whereby he challenged the appointment of respondent no.4 as a Lambardar of village Kalanaur Kalan, tehsil Kalanaur, district Rohtak.

Counsel for the appellant submits that admittedly, respondent no.4 resides in the adjoining revenue estate. The mere fact that he owns land in the village, is no ground to ignore that he does not reside in this village. Counsel for the appellant also contends that the name of respondent no.4 was wrongly added by the Naib Tehsildar. The name of respondent no.4, therefore, could not be considered for the post of Lambardar.

We have heard counsel for the appellant, perused the impugned order as well as orders passed by the Collector, the Commissioner and the Financial Commissioner but find no reason to interfere, much less entertain the appeal. The Collector appointed

respondent no.4 as the Lambardar. The appeal filed by the appellant was dismissed by the Commissioner. A revision filed before the Financial Commissioner was also dismissed. The appellant, thereafter, filed a writ petition which has been dismissed. A due consideration of the contentions advanced by counsel for the appellant reveals that his primary contention is that respondent no.4 is not resident of the village. The argument disregards the fact that respondent no.4 owns land in the revenue estate and he resides in the adjoining revenue estate.

As regards the fact that the name of respondent no.4 was included by the Naib Tehsildar, the argument is inconsequential as consideration for the post of Lambardar has to be made by the Collector. The inclusion of the name of respondent no.4 by the Naib Tehsildar does not suffer from any error of jurisdiction or of law. Consequently, finding no error in the impugned order or orders passed by revenue authorities appointing respondent no.4 as Lambardar, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

02.11.2015
VK