

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

L.P.A. No.480 of 201 5 (O&M)

Date of Decision: April 30, 2015

Anant Ram

...Appellant

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Vikram Singh, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the judgment dated 24.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.9294 of 2014) filed by the appellant challenging the orders passed by the revenue authorities appointing respondent No.4 as Lambardar of village Kalheri, Tehsil Gharaunda, District Karnal, has been dismissed.

The learned Single Judge came to the conclusion that the District Collector, who is the appointing authority of Lambardar under the Punjab Land Revenue Act, after appreciating the comparative merits of all the candidates and after coming to the conclusion that respondent No.4 is a fit and suitable candidate to be appointed on the post of Lambardar of

village Kalheri, appointed him as such. The said order was upheld by the Commissioner in appeal and by the Financial Commissioner in revision. Though in earlier writ petition (CWP No.43 of 2011) filed by the appellant, the order dated 13.12.2010 passed by the Financial Commissioner was set aside by the learned Single Judge vide order dated 30.07.2012 and the matter was remanded to the Financial Commissioner to consider the case again and to examine whether the Collector had appointed respondent No.4 as Lambardar of the village after considering the merits and de-merits of all the candidates. After the remand, the Financial Commissioner again affirmed the order of the Collector appointing respondent No.4 as Lambardar of the village and dismissed the revision petition filed by the appellant while coming to the conclusion that the Collector has appointed respondent No.4 as Lambardar of the village after appreciating the comparative merit of all the candidates and finding respondent No.4 more suitable candidate for appointment as Lambardar. The learned Single, while referring to various decisions of the Hon'ble Supreme Court and Division Bench of this Court, wherein it has been held that choice of the Collector cannot be set aside until and unless there is perversity or grave illegality in the impugned order of the Collector, has dismissed the writ petition while coming to the conclusion that the appellant could not point out any perversity or grave illegality in the order passed by the Collector appointing respondent No.4 as Lambardar of the village and the said finding of the Collector has been affirmed by the Commissioner and the Financial Commissioner.

Before us also, learned counsel for the appellant tried to argue

on comparative merits of the appellant and respondent No.4. In our opinion, in the Letters Patent Appeal this aspect cannot be gone into. It is for the revenue authorities under the Punjab Land Revenue Act to consider the comparative merits of all the candidates but this Court under Article 226 of the Constitution of India has very limited scope of interference and that too, where the choice of the Collector suffers from any jurisdictional error or perversity, which is not the position in the present case. Thus, we do not find any illegality or perversity in the order passed by the learned Single Judge.

No merits. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 30, 2015
vkg

(HARINDER SINGH SIDHU)
JUDGE