

CWP No.11073 of 2016

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

CWP No.11073 of 2016
Date of decision: 30.05.2016

Sukhdev Singh

....Petitioner

Versus

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. S.S. Ranghi, Advocate, for the petitioner.

PARAMJEET SINGH DHALIWAL, J.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 11.07.2014 (Annexure P-3) passed by Deputy Commissioner-cum-District Collector, Fatehgarh Sahib, appointing respondent No.5 – Surjit Singh as Lambardar of Village Behla Khanpur, Tehsil Bassi Pathana, District Fatehgarh Sahib; order dated 09.04.2015 (Annexure P-6) passed by Divisional Commissioner, Patiala Division, Patiala, whereby appeal filed by the petitioner against the order passed by District Collector has been dismissed and order dated 11.12.2015 (Annexure P-7) passed by Financial Commissioner (Appeals-II), Punjab, whereby revision petition filed by petitioner has been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Dyal Singh, Lambardar of Village Behla Khanpur, Tehsil Bassi Pathana, District Fetehtarh Sahib, applications were invited

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from interested persons by making publication/proclamation in the Village after obtaining necessary sanction from the Collector. A total of two applications were received in pursuance of the proclamation. After completing formalities, matter came up for consideration before the Collector. The Collector after appreciating the comparative merit of the candidates found respondent No.5 to be fit and suitable candidate and vide impugned order dated 11.07.2014 (Annexure P-3) appointed him as Lambardar of the Village. Petitioner filed an appeal before the Commissioner, Patiala Division, Patiala. The Commissioner vide order dated 09.04.2015 (Annexure P-6) dismissed the appeal filed by the petitioner. Aggrieved against the order of the Commissioner, petitioner filed revision before the Financial Commissioner, which has also been dismissed vide order dated 11.12.2015 (Annexure P-7) and orders of the District Collector and Commissioner have been upheld. Hence, instant writ petition.

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

Learned counsel for the petitioner vehemently contended that the orders passed by the revenue authorities are erroneous, perverse and against the settled principles of law, thus, not sustainable in the eyes of law. Learned counsel for the petitioner contended that petitioner is more meritorious candidate to be appointed as Lambardar as his name was recommended by 77 residents of the Village whereas only 41 residents recommended the name of respondent No.5. Petitioner is enjoying very high status in the Village and there is no adverse finding against him

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whereas respondent No.5 was convicted in a criminal case and he has also encroached upon the *shamilat* land.

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

The Hon'ble Supreme Court of India in the case of ***Mahavir Singh Vs. Khiali Ram & others, 2009(3) SCC-439, Lila Ram Vs. Asa Ram, 1955 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***, held that the choice of the District Collector cannot be lightly set aside.

In ***Mahavir Singh's*** case (supra) the 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. Collector has recorded categorical findings that respondent No.5 – Surjeet Singh is matric pass and is having 4 kanals of cultivable land in the Village. He is a social person and is not a member of any political party. He takes part in common works of Village. He is the nephew of deceased Lambardar and served as Sarbarah Lambardar. Petitioner has not led any evidence with regard to encroachment upon panchayat land by respondent No.5. There are concurrent findings recorded by all the revenue authorities.

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 as well as the

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Financial Commissioner.

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

Dismissed in limine.

No order as to costs.

(Paramjeet Singh Dhaliwal)
Judge

May 30, 2016
R.S.