

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

CWP No.12175 of 2016
Date of Decision: 19.8.2016

Vijay Kumar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Mandeep K. Saajan, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Instant writ petition is directed against the order dated 11.12.2015 passed by the Financial Commissioner, Punjab, whereby revision petition filed by the petitioner was dismissed and the order dated 11.9.2012 passed by the Commissioner, Ferozepur Division, Ferozepur, as well as the order dated 25.10.2010 passed by the District Collector, Ferozepur, directing for issuance of fresh proclamation in the village, for inviting applications from eligible candidates to fill up the post of Lambardar, were upheld.

Heard learned counsel for the petitioner.

It is a matter of record that at an earlier point of time, petitioner was working as Sarpanch of the village. However, FIR No.169 dated 9.6.2003 under Sections 420,465,468,471,120-B of Indian Penal Code

('IPC' for short) came to be registered against him at Police Station Sadar, Ferozepur. He faced the criminal trial and was convicted by the learned court of competent jurisdiction. However, after having been convicted, parties tried to get the offences compounded, which was permitted by this court, vide order dated 8.11.2012 passed in Crl.Misc.No.31480 of 2012 (Dev Raj and others Vs. State of Punjab and another)-Annexure P-8.

Notwithstanding the above said order passed by this court, another serious defect in the candidature of the petitioner was found and highlighted by the revenue authorities to the effect that he was not living in the village. He has been recorded as voter at Sr.No.343 in the voters list of Ferozepur City. It was so said on the basis of report submitted by the Sub Divisional Magistrate, Ferozepur. Further, a gas connection was also running in the name of the petitioner, at his residential address mentioned at Bharat Nagar, Ferozepur City.

Since the petitioner had been residing in the Ferozepur City, he would not be available to the residents of the village as and when necessity arises. Under such an undisputed fact situation, the learned District Collector, Commissioner as well as the Financial Commissioner committed no error of law, while passing their respective impugned orders, directing inviting fresh applications from eligible candidates, because the other candidate Shivraj Singh was also found ineligible. He was also found residing in different village namely Peer Ismile Khan, whereas post of Lambardar was of village Dullewala. Besides this, he was also facing criminal charge in FIR No.158 dated 25.7.2009.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in either of the

impugned orders. Further, no prejudice of any kind, whatsoever, has been shown, which might have been caused to the petitioner, while passing the impugned orders, thus, the impugned orders deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered view that since the impugned orders have not been found suffering from any patent illegality or perversity, the same deserve to be upheld. The writ petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No case for interference has been made out.

Resultantly, with the above said observations made, the present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

19.8.2016
GS

Whether speaking/reasoned/non-speaking

Whether reportable: Yes/No