

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12216 of 2016
Date of decision: 23.08.2016

Rishi Pal

... Petitioner

Vs.

Financial Commissioner (Revenue), Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present writ petition is directed against the order dated 18.01.2016 (Annexure P-8) passed by the Financial Commissioner (Revenue), Haryana, whereby he dismissed the revision petition filed by the petitioner and the orders passed by the Commissioner as well as District Collector, appointing respondent No.4 as Lambardar, were upheld.

Heard learned counsel for the petitioner.

A bare combined reading of the impugned orders would make it crystal clear that as per the demarcation report conducted on 07.10.2011, petitioner was found in illegal possession in Khasra No.135 belonging to the Gram Panchayat. It is also a matter of record that petitioner is resident of Village Mansapur, whereas the post of Lambardar was meant for Village Mehrampur-Galoli. Considering these two major issues against the petitioner, District Collector vide his order dated 05.01.2012 (Annexure P-5) rightly appointed respondent No.4 as Lambardar and the said impugned order passed by the

District Collector deserves to be upheld.

Petitioner filed his appeal before the Commissioner, Ambala Division, Ambala, which came to be dismissed vide order dated 26.03.2013 (Annexure P-6). Thereafter, petitioner approached the Financial Commissioner (Revenue), Haryana, who dismissed the revision petition filed by the petitioner, while passing the impugned order dated 18.01.2016 (Annexure P-8), rightly upholding the abovesaid orders passed by the Commissioner as well as District Collector. Since none of the impugned orders has been found suffering from any patent illegality or perversity, the same deserve to be upheld.

During the course of hearing, learned counsel for the petitioner could not deny this material fact that petitioner is resident of Village Mansapur and rightly so, it being a matter of record. However, he tried to explain that since it was only one revenue estate, candidature of the petitioner could not have been rejected only on this ground. Neither the number of revenue estate has been pointed out nor it is even the pleaded or argued case on behalf of the petitioner that this post of Lambardar was meant for Village Mansapur. Post was admittedly meant for Village Mehrampur-Galoli and respondent No.4 is resident of Village Mehrampur-Galoli, whereas petitioner is permanent resident of Village Mansapur. Having said that, this Court feels no hesitation to conclude that none of the revenue authorities have committed any error of law, while passing the impugned orders and the same deserve to be upheld, for this reason also.

Further, it is also a matter of record that petitioner has been found in illegal possession in Khasra No.135 owned by the Gram Panchayat. It has been so established on record vide demarcation report dated 07.10.2011. In view of these two glaring aspects of the matter, petitioner was rightly found ineligible for

appointment to the post of Lambardar. No prejudice of any kind, whatsoever, has been pointed out, which might have been caused to the petitioner, by passing the impugned orders.

It is the settled proposition of law that choice of District Collector, in the matters of appointment of Lambardar, is not to be interfered with by the higher revenue authorities, unless the order passed by the District Collector is found suffering from patent illegality or perversity. As noticed hereinabove, since no patent illegality or perversity was found in the order passed by the District Collector, the same was rightly upheld by the higher revenue authorities i.e. Commissioner as well as Financial Commissioner and all the three impugned orders deserve to be upheld, for this reason as well.

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 present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

23.08.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No