

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

Civil Writ Petition No. 19356 of 2016

Date of Decision: 19.9.2016

Gulam Nabi

.....Petitioner

Vs.

Mohammad Riaz Khan and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Anish Batra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 18.1.2016 (Annexure P-6) passed by the Financial Commissioner, Punjab, whereby orders dated 30.4.2015 (Annexure P-5) passed by the Divisional Commissioner and 29.8.2014 (Annexure P-4) passed by the District Collector, Sangur, were upheld, appointing respondent No.1 as Lambardar, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned orders.

Heard learned counsel for the petitioner.

It is a matter of record that post of Lambardar was advertised for village Dugni, District Sangrur. Petitioner was one of the candidates.

When Assistant Collector 2nd Grade and Sub Divisional Magistrate, Dhuri,

vide orders Annexures P-2 and P-3, respectively, made recommendations in favour of respondent No.1, petitioner moved an application before the election authorities and pursuant thereto, his name was removed from one voter list, vide communication dated 22.9.2013. Admittedly, when petitioner applied for the post of Lambardar, he was registered as voter in the voters' list of village Dugni as well as in the voters' list of village Dhuri. Other serious allegations against the petitioner was that he was not a permanent resident of village Dugni. As per police report, he was a permanent resident of village Dhuri.

In view of the abovesaid serious allegations against the petitioner, he was liable to be out-rightly rejected for the post of Lambardar. That is what has been done by the revenue authorities vide their respective impugned orders, which deserve to be upheld. All the three impugned orders passed by respondents No. 2 to 4 would make it crystal clear that before recording their concurrent findings of facts, they have recorded cogent findings, after due consideration of comparative merits of both the candidates. Petitioner was also trying to substantiate his case on the basis of hereditary claim, which is no more available to any candidate. Further, it is the settled proposition of law that choice of the District Collector, in the matter of appointment of Lambardar, would not to be interfered lightly by the higher revenue authorities as well as this Court, unless the order passed by the District Collector is found suffering from patent illegality or perversity.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in any of the impugned orders and rightly so, it being a matter of record. Further, no prejudice of any

kind, whatsoever, has been pointed out which might have been caused to the petitioner by passing of the impugned orders, which may warrant interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

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 instant 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, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

19.9.2016

Ak Sharma

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No