

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

CWP No.19803 of 2016  
Date of Decision: 23.9.2016

Jasbir Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present : Mr. K.S. Sidhu, Sr. Advocate with Mr. G.S. Benipal, Advocate  
for the petitioner.

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**RAMESHWAR SINGH MALIK J. (ORAL)**

Present writ petition is directed against the order dated 27.1.2016 passed by the Financial Commissioner, Haryana, whereby revision petition filed by the petitioner was dismissed and the orders passed by the Commissioner, Hisar Division, Hisar, as well as the District Collector, Fatehabad, removing the petitioner from the post of Lambardar, on account of misconduct, were upheld.

Heard learned Senior counsel for the petitioner.

Facts are hardly in dispute. It is a matter of record that earlier the petitioner was appointed as Lambardar. However, at a later point of time, Gram Panchayat made a complaint against the petitioner that he was in unauthorised possession of the Gram Panchayat land. Petitioner is not claiming the ownership on the said land. In fact, ownership of Gram

Panchayat is not in dispute. Despite knowing fully well that his possession was illegal, petitioner continued in said unauthorised possession over the Gram Panchayat land. In doing so, petitioner incurred disqualification for the post of Lambardar.

After receiving the above said complaint against the petitioner, learned District Collector got the enquiry conducted. Sub Divisional Officer (Civil), Fatehabad, submitted a detailed enquiry report. Thereafter, the petitioner was issued notice, to which he could not file any satisfactory reply. Accordingly, learned District Collector, Fatehabad, vide his impugned order dated 24.9.2013 (Annexure P-3), ordered removal of the petitioner from the post of Lambardar, after holding him guilty of illegally occupying the panchayat land. The order passed by the District Collector was challenged by the petitioner by way of an appeal before the Commissioner, Hisar Division, Hisar, which also came to be dismissed, vide order dated 5.8.2014 (Annexure P-4).

Still not satisfied, petitioner filed his revision petition against the above said two orders before the Financial Commissioner, Haryana. The matter was again considered by the 4<sup>th</sup> revenue authority in a row. However, no substance was found in the case set up by the petitioner and his revision petition was dismissed, vide impugned order dated 27.1.2016 (Annexure P-5). A bare reading of all the four orders, right from Sub Divisional Officer (Civil), Fatehabad, District Collector, Fatehabad, Commissioner, Hisar Division, Hisar, as well as the Financial Commissioner, would make it crystal clear that none of the authorities have committed any error of law, while passing their respective impugned orders.

Further, during the course of hearing, learned Senior counsel

for the petitioner could not point out any prejudice, which might have been caused to the petitioner by passing the impugned orders. None of the impugned orders have been found either an order without jurisdiction or suffering from any patent illegality or perversity, which may warrant interference at the hands of this court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

At this stage, learned Senior counsel for the petitioner submits that to be in illegal possession on the panchayat land, will not be a disqualification for the post of Lambardar and because of this reason, petitioner could not have been removed from the post of Lambardar. After giving anxious consideration to this argument raised by learned Senior counsel for the petitioner, this court is of the considered opinion that the argument is wholly misplaced, which has not been found worth acceptance. It is so said, because it is the conduct of the Lambardar, which is very much material at every relevant point of time.

Lambardar is also known as headman of the village, who is expected to enjoy clean record. If the Lambardar is permitted to misconduct himself in such a manner, it will send a very wrong message to the residents of the village. Had the petitioner denied the allegation against him about his illegal encroachment on the panchayat land, matter might have been different. However, this is undisputed fact situation on the record, which has clinched the issue against the petitioner.

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 the writ petition is misconceived, bereft of merit and

without any substance, thus, it must fail. No case for interference has been made out.

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

(RAMESHWAR SINGH MALIK)  
JUDGE

23.9.2016  
GS

Whether speaking/reasoned/non-speaking

Whether reportable: Yes/No