IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22344 of 2016
Date of decision: 26.10.2016

Iqbal Singh

... Petitioner

Vs.

Financial Commissioner (Revenue), Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Gurcharan Singh, Advocate
for the petitioner.

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RAMESHWAR SINGH MALIK, J. (ORAL)

Present writ petition is directed against the order dated 02.06.2016 (Annexure P-5) passed by the Financial Commissioner, Punjab, whereby the order dated 29.11.2013 (Annexure P-3) passed by Commissioner, Jalandhar Division, Jalandhar as well as order dated 11.01.2012 (Annexure P-1) passed by District Collector, Tarn Taran, appointing respondent No.4 as Lambardar, were upheld.

Heard learned counsel for the petitioner.

A bare combined reading of the impugned orders passed by all the three revenue authorities would make it crystal clear that concurrent findings of facts have been recorded. Before passing the order (Annexure P-1) appointing respondent No.4 as Lambdardar, District Collector, Tarn Taran examined, discussed and appreciated the comparative merits of both the candidates, in correct perspective. He recorded cogent findings, which have been found based on sound reasons. It is a matter of record that both the candidates were almost at par, so far as their age, qualification and ownership of land was concerned. In addition to the above, respondent No.4 was found an ex-serviceman, being a retiree from ITBP. It shows that respondent No.4 has rendered service to the nation and the said fact was rightly appreciated by the District Collector, while appointing him as Lambardar.

Feeling aggrieved, petitioner filed his appeal, which was dismissed by the learned Commissioner and his revision petition was also rightly dismissed by the Financial Commissioner, while passing the impugned order (Annexure P-5). Learned Commissioner as well as learned Financial Commissioner have rightly held that the choice of District Collector in the matters of appointment of Lambardar is not to be upset lightly, unless the order passed by District Collector is found suffering from any patent illegality and perversity.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity either in the order passed by the District Collector or the orders passed by the Commissioner as well as Financial Commissioner. Further, no prejudice has been shown, which might have been caused to the petitioner, by passing 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 since the impugned orders passed by all the three revenue authorities have not been found suffering from any patent illegality or perversity, the same deserve to be upheld. The 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

26.10.2016
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No