

Civil Writ Petition No. 23323 of 2016

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

**Civil Writ Petition No. 23323 of 2016
Date of Decision: 10.11.2016**

Daljit Singh

.....Petitioner

Vs.

Financial Commissioner, Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Raj Kumar Bhatia, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 5.5.2016 (Annexure P-1), passed by the Financial Commissioner, Punjab, whereby revision petition filed by the petitioner against the order dated 18.2.2010 (Annexure P-2), passed by the District Collector and order dated 27.4.2011 (Annexure P-3), passed by the Commissioner, Jalandhar Division, Jalandhar, was dismissed and the orders passed by the District Collector and Commissioner were upheld, appointing respondent No.4 as Lambardar.

Heard learned counsel for the petitioner.

It is a matter of record that initially, respondent No.4 was appointed as Lambardar by the District Collector vide order dated 27.12.2007. During his appeal before the Commissioner, petitioner levelled an allegation against respondent No.4 that he has misappropriated gram

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panchayat land. The Commissioner remanded the case to the District Collector, with a specific direction that the allegation levelled by the petitioner against respondent No.4, may be looked into and if the said allegation is not proved against respondent No.4, then appropriate order may be passed afresh. In compliance of the remand order passed by the Commissioner, District Collector enquired into the allegation levelled by the petitioner against respondent No.4, which was found to be baseless for the reason that land was found to be duly transferred in the name of respondent No.4, by way of civil court decree.

Once the sole allegation levelled by the petitioner against respondent No.4 was not proved, the District Collector again appointed respondent No.4 as Lambardar, vide order dated 18.2.2010. Petitioner filed his appeal which also came to be dismissed by the learned Commissioner, Jalandhar Division, Jalandhar, vide order dated 27.4.2011. Petitioner filed his revision petition, which also met the same fate when it was dismissed by the Financial Commissioner vide order dated 5.5.2016 (Annexure P-1).

A combined reading of all the three impugned orders passed by the respondent revenue authorities would make it crystal clear that neither any factual mistake, nor any error of law has been committed by any of the respondent revenue authorities, while passing their respective impugned orders. Each and every relevant aspect of the matter has been considered and re-considered. The orders passed by the District Collector as well as Commissioner were self contained orders, based on cogent findings which have not been found duly supported by sound reasons. Having said that, this Court feels no hesitation to conclude that the impugned orders deserve to be upheld.

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Again, the Financial Commissioner re-considered the entire case before passing the impugned order dated 5.5.2016 (Annexure P-1). The relevant observations made by the Financial Commissioner in para 6 of the impugned order, which deserves to be noticed here, read as under:-

“I have considered the arguments of counsel for both the parties and also gone through the record. Initially, the respondent Gurbaksh Singh was appointed as Lambardar of the village by District Collector on 27.12.2007 after evaluating the merits of both the candidates. However, in appeal filed by Daljit Singh before Commissioner, the matter was remanded to the Collector, Tarn Taran only to verify the point as to whether Gurbaksh Singh has misappropriated Gram Panchayat Land. Ld. Commissioner in the above order has held that in case it is proved that G.P. land is misappropriated then lawful action be taken against respondent; otherwise all other allegations stand dismissed if appropriation of G.P. land is not proved. In compliance of this remand order, the Ld. Collector while dismissing the allegations of misappropriation of gram Panchayat land against respondent, again appointed him as Lambardar. The arguments of counsel for the petitioner that the civil court decree on the basis of which the gram panchayat land was transferred in the name of Gurbax Singh was collusive, null and void, is not tenable as the revenue officers are bound by the civil court order and cannot go into the legality of the same; the revenue officers are required to act as per civil court orders unless the same is set aside by the higher

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court of competent jurisdiction. The plea of counsel for the petitioner regarding filing of FIR No. 127 of 2004 was duly considered by the Collector before appointing the respondent as Lambardar in the year 2007 and now as per counsel for the respondent, the respondent has been exonerated in this case. The other criminal case, i.e. FIR No. 111 of year 2012 referred to by the counsel for the petitioner, has been registered in the year 2012, i.e. after the appointment of the respondent. In this case also the counsel for the petitioner has failed to place on record as to whether if there is any conviction or not. The respondent has been appointed as Lambardar after considering the merits and demerits of both the candidates by the District Collector in 2007 and after remand order of Commissioner the allegations of illegal possession of gram Panchayat land were found to be false and the respondent was again appointed as Lambardar by the District Collector and this appointment has been upheld by the Commissioner in appeal filed by the petitioner. It is a settled law that choice of the Collector should not be interfered with unless the same is perverse or illegal. I do not find any illegality in the concurrent finding of both the lower courts which may warrant interference in the revisionary stage. Accordingly, the present revision petition is dismissed being devoid of any merit.

It is the settled proposition of law that choice of the Collector, in the matters of appointment of Lambardars, is not to be upset lightly by the higher revenue authorities, unless order passed by the District Collector is

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found suffering from any 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 passed by the respondent revenue authorities. 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, warranting interference at the hands of this Court 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

10.11.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No