

**Civil Writ Petition No. 25264 of 2016**

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

**Civil Writ Petition No. 25264 of 2016  
Date of Decision: 7.12.2016**

Sohan Singh

.....Petitioner

Vs.

Financial Commissioner, (Appeals), Punjab and others

.....Respondents

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

Present : Mr. Avtar S. Khinda, Advocate  
for the petitioner.

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

Feeling aggrieved against the order dated 2.3.2016 (Annexure P-3) passed by the Financial Commissioner, (Appeals), Punjab, whereby appeal filed by respondent No.4 against the order dated 9.2.2011 passed by the Commissioner, Jalandhar Division, Jalandhar, was allowed, restoring order dated 15.7.2010 (Annexure P-1) passed by the District Collector, appointing respondent No.4 as Lambardar, petitioner has approached this Court by way of present writ petition under Section 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 not in dispute that petitioner was 65 years old when District Collector appointed respondent No.4 as Lambardar, vide order dated 15.7.2010 ( Annexure P-1). Thus, by now, petitioner is more than 71 years old. Revision filed by the petitioner vide ROR No.533 of 2015 against the

**Civil Writ Petition No. 25264 of 2016**

order dated 9.2.2011 passed by the Divisional Commissioner, Jalandhar, was also dismissed by the Financial Commissioner, (Appeals), Punjab, but the petitioner has not challenged the said order, although it is placed on record as Annexure P-4. So far as respondent No.4 is concerned, District Collector appointed him as Lambardar after giving due consideration to the comparative merits of all the contesting candidates.

A bare combined reading of the order dated 15.7.2010 (Annexure P-1), passed by the District Collector as well as order dated 2.3.2016 (Annexure P-3) passed by the Financial Commissioner would make it crystal clear that none of them has committed any error of law, while passing their respective impugned orders and the same deserve to be upheld. So far as order passed by the Commissioner, Jalandhar Division, Jalandhar, is concerned, the Commissioner exceeded his jurisdiction, while passing the order dated 9.2.2011, which was rightly set aside by the Financial Commissioner.

It is the settled proposition of law that choice of the District Collector, in the matters of appointment of Lambardar, is not to be upset lightly, unless the order passed by the District Collector is found suffering from any patent illegality or perversity. Recording such a finding was sine qua non for the Commissioner to set aside the order passed by the District Collector, however, he did not do so, because order passed by the District Collector, was, as a matter of fact, not suffering from any patent illegality or perversity. In such a situation, Commissioner was not having the jurisdiction to replace the choice of District Collector by his own choice, without recording any cogent finding in this regard. Under these circumstances, it can be safely concluded that Financial Commissioner was well within his

**Civil Writ Petition No. 25264 of 2016**

jurisdiction to pass the impugned order dated 2.3.2016 (Annexure P-3), thereby rightly upholding the order dated 15.7.2010 (Annexure P-1) passed by the District Collector, and the same deserves to be upheld, for this reason also.

The only argument raised by learned counsel for the petitioner that respondent No.4 was not owning any land in the village, would not be sufficient to non suit respondent No.4. Further, Commissioner, in his order dated 9.2.2011 (Annexure P-2), also recorded that father of respondent No.4 was named in an FIR under Section 304-A IPC, but, again that would not be any relevant consideration. In fact, ownership of land used to be an essential qualification for the post of Lambardar, so as to ensure that in case Lambarbar makes a default in depositing the land revenue, the defaulted amount can be recovered from him. However, since land revenue itself has been abolished in both the States of Punjab and Haryana long back, ownership of land would no more be of any significance, as it used to be.

The District Collector discussed each and every relevant aspect of the matter, while passing his order dated 15.7.2010 (Annexure P-1), whereby respondent No.4 was rightly appointed as Lambardar. It is also a matter of record that it was respondent No.4 whose name was recommended by all the subordinate revenue authorities for appointment to the post of Lambardar. It was also recorded by District Collector that there was a registered Will dated 19.5.2003 in favour of respondent No.4 and as per that Will, respondent No.4 was having share of 32 kanal 10 marla. In this view of the matter, contention raised by learned counsel for the petitioner has been found wholly misplaced, being factually incorrect and also contrary to the record.

**Civil Writ Petition No. 25264 of 2016**

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in either of the impugned orders. Revision filed by the petitioner bearing ROR 533 of 2015 was also dismissed by the Financial Commissioner, but the same has not even been challenged by the petitioner in the present case. Further, no prejudice of any kind, whatsoever, has been shown which might have been caused to the petitioner by passing the impugned orders warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India, petitioner being ineligible for appointment to the post of Lambardar because he is already more than 71 years of age.

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.

7.12.2016  
*Ak Sharma*

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

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