

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.27389 of 2016
Date of Decision.09.01.2017

Harbans Lal

.....Petitioner

Vs

Financial Commissioner (Revenue), Punjab and othersRespondents

Present: Mr. Narinder Singh Lucky, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J. (ORAL)

Notice of motion.

Mr. Yatinder Sharma, Addl. A.G., Punjab accepts notice for
respondent Nos.1 to 3.

The petitioner has approached this Court by invoking the provisions of Article 226 of the Constitution seeking quashing of the orders dated 11.02.2016 (Annexure P-7), 10.10.2012 (Annexure P-6) and 03.01.2012 (Annexure P-5) whereby respondent No.4 has been appointed as Lambardar (SC category) of village Paddi Matawali, Tehsil and District Shaheed Bhagat Singh Nagar, basically on two counts: (i) that the aforementioned respondent No.4 had been in illegal possession of *shamlat deh* and (ii) that vide affidavit dated 07.03.2006 (Annexure P-1), he had sought withdrawal of his candidature and these facts, have been agitated throughout. During the hearing, he has shown copy of grounds taken in the revision petition filed before the Commissioner. The relevant ground No.2 of the same reads as under:-

“2. That the ld. Collector passed the order dated 07.03.2006 without application of mind because on the very same day

respondent Surinderpal had withdrawn his candidature in favour of third candidate namely Harmesh Viridi. In this regard, he has filed an affidavit dated 07.03.2006 before the ld. Collector Nawan Shahar and the copy of the affidavit dated 07.03.2006 is annexed as Annexure P-1.”

On going through the impugned order, it is revealed that there is no adjudication of the aforementioned ground and Annexure P-1, thus, there is abdication, much less, aberration. Accordingly, the order dated 11.02.2016 (Annexure P-7) passed by the Financial Commissioner is hereby set aside and the matter is remitted back to the same Court to decide the aforementioned revision petition by taking into consideration all the points raised therein, particularly the affidavit (Annexure P-1) filed by respondent No.4 for withdrawal of his candidature, within a period of two months from the date of receipt of certified copy of this order.

With the aforementioned observations, the writ petition is disposed of.

(AMIT RAWAL)
JUDGE

January 09, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No