

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 9986 of 2016

Date of decision : July 14, 2017

Tara Chand

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present:- Mr. Manoj Kaushik , Advocate  
for the petitioner.

Mr. Saurav Mohunta, DAG., Haryana.

Mr. S. S. Walia, Advocate  
for respondent No. 4.

Mr. S. P. Yadav, Advocate  
for respondent No.5.

\*\*\*

**RAKESH KUMAR JAIN, J (oral).**

This petition is filed against the order dated 27.1.2016 of the Financial Commissioner, Gurgaon by which he remanded the matter back to the Collector to decide as to whether the petitioner is in unauthorized possession over the Gram Panchayat land. Actually, the Collector had passed the order on the basis of entry in the jamabandi that the petitioner is in unauthorized possession whereas the Commissioner while holding that the petitioner is not in unauthorized possession referred to an order passed by the Collector, Narnaul dated 26.8.1975 holding his grand father to be in authorized possession.

Be that as it may, since the matter is with regard to the appointment of Lambardar and the issue is as to whether the person who is in unauthorized possession should be appointed as Lambardar, therefore the

definite finding is required to be recorded and for that matter the case is remanded back to the Collector to record the said finding.

Counsel for the petitioner has submitted that if this Court is not agreeing with his contentions that the remand order is to be upheld then the Collector be directed to decide the issue involved in this case at an early date.

Keeping in view the aforesaid circumstances, I am not inclined to interfere with the order of the Financial Commissioner dated 27.1.2016 but a direction is issued to the Collector to whom the matter has been remanded to decide the issue involved as early as possible, preferably within a period of one month from the date of appearance of the parties.

Parties are directed to appear before the Collector, Narnaul on 27.7.2017.

Copy of the order be given dasti under the signatures of the Court Secretary attached to the Bench.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**July 14, 2017**  
**archana**

**Whether speaking/reasoned**  
**Whether Reportable**

**Yes/No**  
**Yes/No**