

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

LPA No. 2303 of 2016

Date of Decision : 17.04.2017

Rishipal

....Appellant

Versus

Financial Commissioner (Revenue) and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. G.C.Shahpuri, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 23.08.2016.

The appellant was aspirant for the post of Lambardar and competed with other persons successfully leading to an appeal by the unsuccessful candidate before the Commissioner who accepted the same to remand the matter back to the Collector for consideration, whereupon after afresh evaluation the respondent No.4 was declared successful.

Learned counsel for the appellant contends that this order was upheld by all subsequent authorities and the learned Single Judge in the writ petition which was filed by the appellant who contends that he is more meritorious having better educational qualification of 10+2 as against the respondent No.4 who is only 8th pass. Besides, the appellant claims to be younger in age being 43 years old against the respondent No.4 who is 52 years of age and it is also pleaded that he is more accessible in the village.

The fact that has been against him is that he is in unauthorised occupation of village land which has been established by way of demarcation report.

Learned counsel for the appellant contends that this demarcation report was taken behind his back and he was not associated with it.

We have perused the demarcation report which indicates a proper procedure adopted by the revenue officials who had also associated number of villagers including the Sarpanch and other residents of the village. It is not the appellant alone who was found in unauthorised possession but various other persons as well whose particulars were given in the report. Therefore, this report cannot be wished away as numerous persons were associated with it who had no concern with the Lambardari issue. A person in unauthorised occupation of the village land would suffer a disqualification in this regard while aspiring for a position of responsibility in the village as it is expected that such people would lead by example. The learned Single Judge opined that the choice of the Collector ought to be respected unless it is illegal or perverse. After consideration we do not find it a fit case for interference as the choice of the Collector is well reasoned.

Dismissed.

(MAHESH GROVER)
JUDGE

17.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

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