

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

LPA No.2469 of 2016 (O&M)

Date of Decision : 03.05.2017

Badan Singh

....Appellant

Versus

State of Haryana and others

...Respondents

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

....

**Present : Mr.Ashwani Kumar Bura, Advocate
for the appellant.**

.....

MAHESH GROVER, J. (Oral)

This appeal is against the order of the learned Single Judge dated 31.08.2016 affirming the order of the Asstt. Collector and Collector appointing the respondent No.4 as Lambardar even though the Financial Commissioner had remanded the matter back for a fresh decision.

The only question that has been raised before us is that respondent No.4 could not be appointed as Lambardar as on the date of consideration he did not have land in the same revenue estate of which he was an aspirant as a Lambardar. It is, however, candidly conceded that even this defect was cured as the said respondent exchanged his land in the revenue estate of the village where he was aspiring to become a Lambardar.

The learned Single Judge has negated this plea by observing as follows :-

“However, the Financial Commissioner committed serious error of law, while not considering two major issues. Firstly, that since land revenue has been abolished in the State of Haryana long back, owning of land by the candidate for the post of Lambardar would not be of any great importance any more. It is so said because ownership of land used to be one of the pre-requisites for the reason that if the Lambardar commits a default in the payment of collected land revenue before the competent authority of the State, the said amount of land revenue could be recovered from defaulting Lambardar.”

We do not see any infirmity in the order passed by the learned Single Judge for the reason that the only defect pointed out by the appellant stood cured in any eventuality. We also do not find any reason to differ with the findings recorded by the learned Single Judge in this regard. The appellant has been unable to show any distinct advantage over the selected candidate. Consequently, we would lean towards to the choice of the Collector in view of the settled principle of law that it needs to be respected unless there is some perversity in the same.

Therefore, we decline interference.

However, marginal delay of 24 days in approaching this Court is condoned.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

03.05.2017
dss

(SHEKHER DHAWAN)
JUDGE

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