

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

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CIVIL WRIT PETITION NO.17145 OF 2018
DATE OF DECISION: JULY 16, 2018

Salender Kumar

.....Petitioner

VERSUS

Financial Commissioner, Haryana, Chandigarh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court impugning the order dated 01.02.2018 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar, whereby his appointment as Lambardar was set-aside on the ground that there were specific allegations against him by one of the co-applicants for the post of Lambardar that he is in unauthorized possession of street in Khasra No.453 to the extent of 1 kanal 1 marla, resulting in narrowing of the street from the side of turn, which order has been upheld vide order dated 27.03.2018 (Annexure P-3) passed by the Financial Commissioner, Haryana, Chandigarh.

It is the contention of learned counsel for the petitioner that the Collector has exercised his power at that stage while passing the order of appointment of the petitioner as Lambardar and has taken into consideration the respective merits of all the four candidates who had applied for the said

post. It is on an appeal preferred by the remaining three candidates that the appointment of the petitioner has been disturbed merely because there was an allegation by one of the co-applicants, namely, Surinder Kumar that he was in unauthorized possession of the land i.e. street. Even the revisional authority has appreciated the fact that such a plea was not taken at the initial stage when the Collector had taken into consideration the respective merits of the candidates. He, thus, asserts that the impugned orders deserve to be set-aside and the appointment of the petitioner as Lambardar restored.

I have considered the submissions made by learned counsel for the petitioner and have perused the impugned orders.

There are specific allegations against the petitioner with regard to unauthorized possession of the street i.e. in Khasra No.453 to the extent of 1 kanal 1 marla. The Collector, without looking into the aspect that the petitioner is in unauthorized possession of the said land i.e. street of the Gram Panchayat, which is one of the disqualification for appointment to the post of Lambardar, has proceeded to appointment him as Lambardar. Therefore, the impugned orders, as passed by the authorities below, being in accordance with law, do not call for any interference by this Court in exercise of its extra ordinary powers under Article 226 of the Constitution of India.

Finding no merit in the present writ petition, the same stands dismissed.

July 16, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No