

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

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**CIVIL WRIT PETITION NO.29439 OF 2018
DATE OF DECISION: JANUARY 17, 2019**

Mehar Singh

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

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

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging the order dated 26.04.2018 (Annexure P-3) passed by the Financial Commissioner-cum-Secretary, Revenue, Haryana, Chandigarh; order dated 22.09.2015 (Annexure P-2) passed by the Commissioner, Ambala Division, Ambala and the order dated 31.12.2014 (Annexure P-1) passed by the Collector, Kurukshetra, Haryana, vide which Kehar Singh son of Ram Kishan, respondent No.4, who is real brother of the petitioner, has been appointed as Lambardar of Village Buhavi, Tehsil Shahbad, District Kurukshetra.

It is the contention of learned counsel for the petitioner that the petitioner is much more qualified than that of respondent No.4. He further contends that the petitioner should have been given precedence over the said respondent and, therefore, the orders passed by the revenue authorities deserve to be set-aside.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the records of the case.

It is not in dispute that the petitioner as well as respondent No.4 are real brothers and, therefore, the land holdings and other qualifications are by and large same. There is an added qualification attached to respondent No.4, Kehar Singh, he being an ex-serviceman. The said additional qualification itself has weight over the other aspects.

Otherwise also, by now it is a settled proposition of law that the choice of the Collector should not be interfered with and it should prevail unless there is a patent illegality and something which could be totally contrary to the statutory provisions. Nothing of this kind has been pointed out by counsel for the petitioner. The authorities below have looked into all these aspects and have rightly rejected the claim of the petitioner.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

January 17, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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