

LPA No. 1858 of 2018 (O&M)

AMIT KUMAR
2019.05.27 11:27
I attest to the accuracy and
integrity of this document

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

LPA No. 1858 of 2018 (O&M)

Date of decision: 01.05.2019

Bhagwant Singh

... Appellant

Versus

The Financial Commissioner Revenue, Punjab, and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Harsh Aggarwal, Advocate, for the appellant.

Mr. Sherry K. Singla, Advocate,
for the caveator-respondent No.4.

ARUN PALLI, J. (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 12.9.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant against the orders dated 26.8.2014, passed by respondent No.2, whereby the appointment of appellant as Lambardar, was set aside and instead respondent (Kulvir Singh) was appointed as Lambardar, and the order dated 28.3.2016, whereby the revision against the said order was also rejected by respondent No.1, has since been dismissed.

The facts that are required to be noticed are limited.

A vacancy of Lambardar in village Chhatiwala, Tehsil Malerkotla, District Sangrur, occurred owing to the death of late Lambardar (Chamanlal) on 30.3.2002. Process to fill up the said post was initiated and as a result, many candidates, including the appellant and respondent No.4, submitted their claims

for consideration. However, eventually only two candidates remained in fray, who are parties to this lis. The District Collector, upon a comparative analysis of the two candidates, vide order dated 23.10.2013, found appellant-Bhagwant Singh more suitable and accordingly he was appointed as Lambardar. However, the appeal filed by respondent No.4 under Section 13 of the Punjab Land Revenue Act, 1887, against the said order, was accepted by the Commissioner, Patiala Division, Patiala, who, vide order dated 26.8.2014, set aside the appointment of the appellant, for he was a permanent resident of another village, i.e. Bhhari Mansa. As a result, respondent-Kulvir Singh was appointed as Lambardar of village Chhatriwala. In a revision filed by the appellant against the order dated 26.8.2014, though the Financial Commissioner observed that appellant-Bhagwant Singh was a better candidate, but since he was a resident of a different village, the order passed by the Commissioner required no interference. That is how, the appellant assailed the said two orders vide a writ petition, referred to above, which has since been dismissed. Thus, this appeal.

We have heard learned counsel for the parties and perused the records.

Indisputably, on the demise of Chaman Lal, the office of Lambardar in village Chhatriwala had fallen vacant. Concededly, the appellant was a member of the Gram Panchayat, village Bhhari Mansa in the election held in the year 2008. A copy of the identity card issued by the Election Commission of India, voters' list and ration card conclusively proved that he was a permanent resident of Bhhari Mansa. Not just that, he also owned 2 acres of land in the said village, and the information obtained under the Right to Information Act from the Punjab State Power Corporation Limited further substantiated this position. Undoubtedly, the appellant also owned a house at

village Chhatriwala, but as observed by the learned Single Judge: just because he was maintaining a house even in village Chhatriwala, would not entitle him to claim to be a permanent resident of the said village. No doubt, both the villages, i.e. Chhatriwala and Bhhari Mansa, are adjacent to each other, but since services of the Lambardar are required by the village community for multiple purposes, such as attestation, identification of accused persons, demarcation of the land holdings etc., the appellant was not found suitable for appointment. On the contrary, respondent-Kulvir Singh owned a substantial land holding in the village. He had studied up to 10th class and was matured being 50 years of age. Nothing adverse was brought on record either to ignore his claim. On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the impugned order and judgment as also the orders passed by the Commissioner and Financial Commissioner were either contrary to the record or suffered from any material illegality.

In the wake of the above, the appeal is devoid of merit and is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 01, 2019
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: YES/No