

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

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Civil Writ Petition No.37251 of 2019

Date of Decision: December 20<sup>th</sup>, 2019

Rati Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Ramender Chauhan, Advocate  
for the petitioner.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Challenge in this writ petition is to the order dated 16.09.2019 (Annexure P-6) passed by the Financial Commissioner, Haryana, whereby the order dated 07.08.2018 (Annexure P-4) passed by the Divisional Commissioner, Rohtak Division, Rohtak, has been set aside, wherein the order dated 13.03.2018 (Annexure P-2) passed by the Collector, Bhiwani, removing the petitioner as Lambardar and his grandson Priyavart as Sarbarah Lambardar, was set aside.

2. It is the contention of learned counsel for the petitioner that the Divisional Commissioner, on proper consideration of the legal position and keeping in view the provisions as contained under Rule 27 of the Punjab Land Revenue Rules, according to which the Sarbarah Lambardar as well as the Lambardar can perform the duties of Lambardar on the same date i.e. together, came to a conclusion that the said provisions have been totally ignored and the allegations against the petitioner as well as his grandson were that on the same day, both were performing the duties of the Lambardar, which cannot be a ground for setting aside the appointment of the Sarbarah Lambardar as well as the petitioner as Lambardar.

Further assertion which has been made by the counsel for the petitioner is

that the complaint which was filed by complainant-Inderpal Singh-respondent No.25 was limited to the extent of removal of Sarbarah Lambardar and not the Lambardar of the village i.e. the petitioner and, therefore, the Collector while passing the impugned order dated 13.03.2018 (Annexure P-2) has exceeded the prayer made in the complaint. He, thus, contends that the impugned order passed by the Collector, which has been restored by the Financial Commissioner, Haryana, vide impugned order dated 16.09.2019 (Annexure P-6) cannot sustain and deserves to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case as well as the impugned orders.

4. It is correct that the complaint filed by Inderpal Singh-respondent No.5 before the Collector, Bhiwani, was for removal of Priyavart, Sarbarah Lambardar, on the ground that both the petitioner and his grandson were performing the duties of the Lambardar on the same day, however, that is not the sole allegation, rather the main allegation is that Priyavart was got appointed as Sarbarah Lambardar by the petitioner on wrong factual representation that the petitioner was unable to perform the duties of the Lambardar because of ill health and old age. These allegations have been found to be correct. Contention of the counsel for the petitioner that the challenge is not to the appointment of the petitioner as Lambardar of the village and, therefore, the Collector has wrongly proceeded to remove him from the post of Lambardar. His contention that the Collector has wrongly proceeded to remove him from the post of Lambardar cannot be accepted in the light of the report of the Sub Divisional Officer (Civil),

Bhiwani, who had actually forwarded the report to the Collector on 23.01.2018 showing that the petitioner was an able-bodied person and could perform the duties of the Lambardar efficiently. Nothing was there on the record which would indicate that the petitioner could not perform the duties of the Lambardar. It, therefore, was concluded by the Collector and rightly so that the appointment of the Sarbarah Lambardar, which was obtained by the petitioner was by misleading the authorities and playing a fraud while getting appointment of his grandson as a Sarbarah Lambardar. The findings, therefore, as recorded by the Collector, which has been ultimately approved by the Financial Commissioner, Haryana, being based upon records, cannot be faulted with.

5. An aspect, which has been highlighted by the counsel for the petitioner with reference to Rule 27 of the Punjab Land Revenue Rules permitting the Lambardar as well as the Sarbarah Lambardar to discharge the duties of the Lambardar together, also cannot be faulted with on principles, however, in the present case, the basic appointment of the Sarbarah Lambardar on the behest and on the asking of the petitioner, who was the Lambardar of the village, having been found to be based upon a fraud having been played upon the State, the said rule shall have no application.

6. Assertion of the counsel for the petitioner that the petitioner was not given an opportunity to explain his conduct before the Collector prior to his removal as Lambardar of the village also cannot be accepted as the petitioner as well as his grandson were both present before the Collector on 13.03.2018 when the order of their removal was passed. Perusal of the impugned order would indicate clearly that all the documents were put to

the petitioner as well as his grandson and they were both called upon to explain their conduct with reference to the said documents, to which the explanation as submitted by the petitioner and his grandson, was found to be unsatisfactory. It is under these circumstances that the Collector, Bhiwani, had proceeded to pass an order dated 13.03.2018, which cannot be said to be in violation of the principle of natural justice i.e. *audi alteram partem*.

7. This Court does not find any merit in the present writ petition calling for interference in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

8. In view of the above, the writ petition stands dismissed.

**December 20<sup>th</sup>, 2019**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No