

CWP No. 6647 of 2020

Date of Decision: March 13, 2020

Gurmej Singh

.....Petitioner

versus

Financial Commissioner, Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Davneet Sangwan, Advocate for
Mr. Anshul Mangla, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

Request for an adjournment has been made on the ground that arguing counsel is unwell.

The petition has been filed as one requiring urgent consideration. Thus, I do not deem it appropriate to accept the request of counsel appearing for arguing counsel for the petitioner. Accordingly, I am proceeding to decide the case.

Pursuant to the death of erstwhile Lambardar, proceedings were initiated for appointment of a new Lambardar. Vide order dated 26.04.2017, the Collector appointed respondent No. 2 to the post. Aggrieved with this order, the petitioner approached the Commissioner through an appeal. The Commissioner set aside the order of the Collector and appointed the petitioner as Lambardar. This order was challenged by respondent No. 2 by way of a revision petition and the same has been allowed by the Financial Commissioner. The matter has been remanded to the Collector for a fresh decision in accordance with law.

The Financial Commissioner has found that the order of the Commissioner is illegal because it fails to take into consideration the provisions of Rule 15 of the Punjab Land Revenue Rules (as applicable to State of Haryana) pertaining to the qualification for appointment of a Lambardar. Thus, the order of the Commissioner has been set aside and the matter has been remanded.

There is no error in the order of the Financial Commissioner because the Commissioner has been swayed by the fact that the petitioner had acquired experience of working as Lambardar under his father and also possessed hereditary claim. He has also found that the petitioner possessed more land. These matters could not have been taken into consideration.

Thus, I do not find any ground to interfere in the impugned order. The petition is without any merit and the same is, accordingly, dismissed.

March 13, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No