

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

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C.W.P.No.1832 of 2018 (O&M)

Date of Decision:- 10.02.2020

Hansraj

....Petitioner

vs.

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Amandeep Papneja, Advocate for
Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

C.M.No.14738 of 2019

The applicant wishes to place on record Annexure P-15.

For the reasons mentioned in the application, the same is
allowed. Annexure P-15 is taken on record.

Application stands disposed of.

CWP No. 1832 of 2018

The petitioner has filed this writ petition challenging order dated 9.8.2017 (Annexure P-5) passed by the learned Financial Commissioner rejecting his revision petition. As a consequential relief, quashing of orders passed by the Divisional Commissioner as well as the Collector has also been sought.

The Collector appointed respondent No.4 as the Lambardar vide order dated 26.8.2015. The petitioner challenged that order on the ground

that respondent No.4 was in unauthorized occupation of Gram Panchayat land and, thus, his appointment was illegal. The authorities below have however found that respondent No.4 was not in unauthorized occupation of Gram Panchayat land.

Learned counsel for the petitioner has submitted that the grandfather of respondent No.4, namely, Harbhajan son of Hardyal was found to have encroached upon Gram Panchayat land and was ordered to be evicted in proceedings under Section 7 of the Punjab Village Common Lands Act, 1961. The date of the order is 30.4.2012. Thereafter, the Gram Panchayat filed another application against respondent No.4 under Section 7 of the said Act on 4.5.2017 and eviction order was passed on 24.1.2018. Thus, the authorities below were in error in finding that respondent No.4 was not in unauthorized occupation of common land.

The contention is without any merit. Order of 30.4.2012 was passed much before the order of the Collector which is dated 26.8.2015. In any case, the said order was passed against the grandfather of respondent No.4. The later order dated 24.1.2018 was passed on an application dated 4.5.2017, by which date, respondent No.4 had already been appointed as Lambardar. Thus, I do not find any error or infirmity in the orders of the authorities below.

Accordingly the writ petition is dismissed.

February 10, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No