

CWP No. 10884 of 2021

Date of Decision: July 09, 2021

Narinder Singh

.....Petitioner

versus

Financial Commissioner Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naresh Chander, Advocate
for petitioner

Mr. G.S. Nagra, Advocate
for the caveator-respondent No. 2

Sudhir Mittal, J. (Oral)

The petitioner is a candidate for Lambardar. Initially he was appointed as such vide order dated 19.03.2010 which was, however, set aside by this Court vide judgment dated 30.08.2012 passed in CWP No. 14144 of 2011. The matter was remanded for a fresh decision. Thereafter, the petitioner was again appointed as Lambardar by the Collector vide order dated 09.05.2013. The appeal there against has been dismissed. However, the revision has succeeded.

The core question is whether the petitioner was in illegal occupation of panchayat land on the date of appointment as Lambardar. The learned Financial Commissioner has held in the affirmative by relying upon judgment dated 30.08.2012 passed by this Court in CWP No. 14144 of 2011.

Learned counsel for the petitioner submits that the finding is perverse because demarcation report dated 29.10.2010 (Annexure P-8) shows that the petitioner was not in unauthorized occupation of panchayat land. I am unable to accept the aforementioned submission. The High Court while passing judgment dated 30.08.2012 has returned a finding of fact based upon an order passed by the

District Development and Panchayat Officer, Jalandhar and the said finding can not be said to be erroneous. Placing reliance upon random demarcation report can not displace the said finding as it is common knowledge that convenient demarcation reports can always be obtained. In view of the above, I find no merit in this writ petition and the same is dismissed.

July 09, 2021

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No