

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

Sr.No.217

Civil Writ Petition No.6038 of 2019

DATE OF DECISION: November 22, 2022

Manjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Prem Singh Bhanga, Advocate
for the petitioner
Mr. Gurvinder Singh, A.A.G., Punjab for respondents-State.

SUDHIR MITTAL, J.(ORAL)

The previous Lambardar namely Inderjeet Singh having passed away, process for appointment of Lambardar was initiated in the year 2016. Three candidates applied including the petitioner. One withdrew and the second candidate did not appear before the Collector. The Collector refused to appoint the petitioner as Lambardar vide order dated 19th November 2017 on the ground that a criminal case had been registered against him and even though he had been acquitted, stigma remained on his character. Fresh proclamation was accordingly ordered. Appeal and revision against the said order have been dismissed and thus the present writ petition has been filed.

Learned counsel for the petitioner submits that criminal case was registered against the petitioner in the year 2010 as is evident from the judgment of acquittal dated 12th November 2011 (Annexure P-5). Offences involved therein were under Sections-323, 324, 326, 452, 427, 148, 149 and 506 IPC. The petitioner was not even named in the FIR. He earned an honourable acquittal and a permanent stigma could not remain upon his character as no offence regarding moral turpitude was involved.

Learned State counsel supports the impugned orders. He argues that once a criminal case has been registered against a candidate, stigma remains on his character and such a person is not fit to be appointed as Lambardar.

A perusal of the judgment of acquittal shows that there appeared to be a fight between two factions in the village resulting in the registration of FIR. The petitioner was not named therein and was summoned as an accused at a later stage. The prosecution could not identify the accused. Thus, all of them were acquitted. The allegations in the criminal case did not reflect upon the character of the petitioner and to hold to the contrary is a perversity. A perverse order can always be interfered with in exercise of writ jurisdiction.

Thus, the writ petition is allowed. Orders impugned in the writ petition are set aside. Matter is remanded to the Collector for reconsideration of the case of the petitioner in the light of the aforementioned observations.

November 22, 2022

Ankur/Mamta

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No