

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1192-2021 (O&M)
DECIDED ON: 19th APRIL, 2022

PARDEEP KUMAR

.....APPELLANT

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gurpreet Singh, Advocate for
Mr. Rakesh Sharma, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J (ORAL)

CM-2789-LPA-2021

Prayer in this application is for condonation of delay of 4 days in
filing the present appeal.

In view of averments made in the application, the same is allowed
and delay of 4 days in filing the present appeal is condoned.

CM-2790-LPA-2021

Application is allowed, as prayed for.

Annexure A-1 i.e. copy of statement of complainant is taken on
record subject to all just exceptions.

CM-2791-LPA-2021

Application is allowed, as prayed for and exemption from filing
the certified true typed copies of order dated 28.10.2021, is granted subject to
all just exceptions.

LPA-1192-2021 (O&M)

Challenge in this appeal is to the order passed by the learned Single Judge dated 28th October, 2021 whereby the writ petition preferred by the petitioner challenging the order dated 2nd August, 2021 passed by the Financial Commissioner, Haryana vide which the order dated 5th September, 2019, passed by the Commissioner, Rohtak, Division Rohtak allowing the appeal of the appellant-Pardeep Kumar against the appointment of respondent No.4-Deepak Kumar as Lambardar of the village Khanda, Tehsil Kharkhoda, District Sonapat, was dismissed.

It is the contention of the learned counsel for the appellant that there were allegations and counter allegations against the appellant as well as respondent No.4. The Financial Commissioner as well as Collector had not taken into consideration and proceeded to appoint respondent No.4-Deepak Kumar as Lambardar of the village. His assertion is that keeping this aspect in mind the Commissioner had reversed the order passed by the Collector appointing Deepak Kumar as Lambardar and remanded the case to the Collector for fresh consideration. He on this basis contends that the acceptance of the order passed by the Financial Commissioner and dismissing the writ petition of the petitioner/appellant by the learned Single Judge, is not sustainable.

We have considered the submissions made by the Counsel for the appellant and with his assistance have gone through the judgment passed by the learned Single Judge as also orders passed by the revenue authorities but do not find ourself to accept the contention as has been raised by the Counsel for the appellant.

two basic principles on which the Financial Commissioner has set aside the order passed by the Commissioner. First one being the settled principle that the choice of the Collector must be respected unless the same is shown to be perverse and illegal and; secondly that there are serious allegations of cheating against the appellant which is borne out from the fact and records. There were allegation that the appellant had taken an amount of Rs.2,60,000/- for making arrangement to avail loan but when the same did not fructify, the money was also not being returned and at this stage a complaint was filed against the appellant before the Inspector General of Police. It is then that a compromise was entered into and an amount of Rs.2,60,000/- was returned by the appellant.

This being based upon the documentary evidence, which could not be denied by the appellant, has gone against the appellant while the revenue authorities have considered the claim of the appellant.

We do not find any justifiable ground for interfering with the well reasoned order passed by the revenue authorities, which has been rightly approved by the learned Single Judge.

Finding no merit in the present appeal, we dismiss the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

19th APRIL, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>