

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.7491 of 2023
Date of decision : 20.11.2023

Raminder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing the order dated 08.02.2023 (Annexure P-8) passed by respondent No.3 vide which the application filed by the petitioner was dismissed wrongly, illegally and against the settled propositions of law. Further prayer has been made for directing respondent No.3 to consider and pass appropriate orders on the application (Annexure P-1) moved by the petitioner for conducting fresh munadi for the post of lamberdar being competent authority under the Punjab Land Revenue Act, 1881 Lamberdari Rules, also in view of the facts that the learned lower Authorities i.e. respondents No.4 to 6 have already recommended for fresh proclamation as earlier proclamation has been conducted in a secret manner and the persons related to each other only applied for the post of lamberdar to avoid competition.

It has been contended by learned counsel for the petitioner that the proclamation/munadi was not carried out in accordance with law and for carrying out the fresh proclamation, the application filed by the petitioner has been rejected vide impugned order dated 08.02.2023.

Notice was issued in this case and in response to the same, Ms. Akshita Chauhan, DAG, Punjab appears on behalf of respondents No.1 to 6. Mr. K. B. Raheja, Advocate has appeared and filed his power of attorney on behalf of respondent No.11 today in the Court and the same is taken on record. He has submitted before this Court that the present petition is not maintainable as the petitioner has the alternative remedy to file an appeal before the Commissioner against the impugned order dated 08.02.2023. He fairly submits that if the petitioner avails his alternative remedy before the Commissioner by filing the appeal within two weeks from today, then the respondents would not oppose the same on maintainability. Thus, the petitioner be relegated by granting liberty to avail his alternative remedy in accordance with law.

On hearing learned counsel for the parties, the present petition is disposed of with liberty to the petitioner to avail the alternative remedy as available to him by filing an appeal before the Commissioner within a period of two weeks from today. In case, the petitioner files any such appeal before the Commissioner within the stipulated period, then the same would be decided expeditiously in accordance with law after hearing both the sides within a period of two months from the date of its filing.

Till the filing of the appeal, the status quo be maintained.
However, it is being clarified that on filing the appeal, the respondents
authorities would proceed in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

20.11.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No