

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

**CWP-18448-2017**

**Date of decision : 02.09.2023**

**Mukesh Kumar**

**.....Petitioner**

**versus**

**Financial Commissioner Haryana and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present :- Mr. Gaurav Gupta, Advocate  
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Adarsh Jain, Advocate  
for respondent No.2.

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**RAJESH BHARDWAJ, J.**

Prayer in the present petition is for quashing the orders dated 16.09.2016 (Annexure P-3) passed by learned Financial Commissioner; order dated 19.03.2013 (Annexure P-2) passed by learned Commissioner and also order dated 21.09.2011 (Annexure P-1) passed by learned District Collector, Palwal vide which respondent No.2 was appointed as Lambardar of the Village Patti Khail District Palwal without appreciating the merits of the case.

Adumbrated facts of the case are that on the death of earlier Lambardar, namely, Parmanand Kalra of Village Patti Khail, the process for the appointment of new Lambardar was initiated. The *mustri munadi* was conducted and in pursuance to the same, four applications were received from the candidates namely, Rajesh Kathuria son of Jagdish, Rajender son of Roop Singh, Mukesh Kumar (petitioner) son of Tejan Singh and Laxman Singh (respondent No.2) son of Sohan Lal. After

scrutiny of their applications, their antecedents were verified. Petitioner was found to be 32 years of age and was Graduate. Besides this, he was pursuing his LLB. Course as well. He was found to have been owning 04 acres of land. So far respondent No.2 Laxman Singh is concerned, he was found to be matric pass. He owned 01 acre of land. On analysis of their *inter se* merits, the Collector found respondent No.2 to be the most suitable candidate among the other candidates and thus, appointed him as Lambardar of the Village vide order dated 21.09.2011. Aggrieved by the same, petitioner and other co-applicant namely, Rajender filed appeals under Section 18 of the Punjab Land Revenue Act before the learned Commissioner, Gurgaon Division Gurgaon. Learned Appellate Court after hearing both the sides, finding no merit in both the appeals dismissed the same vide his order dated 19.03.2013 and thus, upheld the order passed by the Collector dated 21.09.2011. Aggrieved by the same, petitioner filed the revision petition under Section 16 of the Punjab Land Revenue Act before the learned Financial Commissioner, Haryana, Chandigarh. However, learned Financial Commissioner after hearing both the sides and perusing the record, finding no merit in the revision, dismissed the same and thus, the order passed by the learned Collector and that by the Commissioner were upheld by the learned Financial Commissioner. Hence, aggrieved by the same, petitioner is before this Court by way of filing the present petition.

Learned counsel for the petitioner has vehemently contended that the learned Collector and thereafter, the Appellate and Revisional Authorities have miserably failed in appreciating the evidence on record and the law settled and thus, have drawn a wrong conclusion in

appointing respondent No.2 as Lambardar of the Village and thus, illegally rejected the candidature of the petitioner. He submits that the petitioner being 32 years of age was younger in age than the respondent. Besides this, at the time of appointment, he was graduate and was pursuing his LL.B course. Thus, obviously he was more qualified than respondent No.2. He submits that petitioner owned more land than respondent No.2. Thus, petitioner was much more meritorious than respondent No.2. It is submitted that respondent had faced prosecution in one FIR. He submits that the petitioner had committed no encroachment on the Panchyat land but the same has not been appreciated by the respondents-authorities. It is submitted that the petitioner being younger in age and being more qualified was the most deserving candidate and thus, the view taken by the respondents-authorities in appointing respondent No.2 as Lambardar is totally unsustainable in the eyes of law and being against the settled principles of law, the impugned order deserves to be set aside by appointing the petitioner as Lambardar of the Village.

*Per contra*, learned counsel for respondent No.2 has opposed the submissions made by counsel for the petitioner. He submits that the respondent No.2 was much more experienced and on comparing the inter se merits of both the candidates, he was found to be more suitable by the learned Collector and thus, was appointed as Lambardar of the Village. It is submitted that no doubt false and frivolous FIR was lodged against respondent No.2 under Section 420 IPC, however, after registration of the same, the investigating agencies finding no truth in the FIR, sent the cancellation report and the same was filed much prior to the appointment

of the respondent and thus, on the date of appointment, there was no stigma whatsoever against the respondent. He submits that as per settled principles of law, the view taken by learned Collector cannot be disturbed in a cavalier manner until and unless there is any perversity in the orders passed and thus, Appellate and Revisional Authorities finding no perversity in the same have upheld the decision of the Collector. He submits that there being no perversity in the impugned order passed, the petition being devoid of any merits deserves to be dismissed.

Heard. After hearing counsel for the parties and perused the record, it is apparent that the process for the appointment of Lambardar of the Village was initiated on account of death of earlier Lambardar namely, Parmanand Kalra. In pursuance to the proclamation made, four applications were received. On comparing *inter se* merits of both the candidates, the petitioner was found to be 32 years of age and B.A. pass. Besides this, he was pursuing his LLB. Course and owned 04 acres of land. On the other hand, respondent No.2 Laxman Singh was found to be matric pass and owned 01 acre of land. On analysis of their *inter se* merits, the Collector found respondent No.2 to be the most suitable candidate and thus, appointed him as Lambardar of the Village vide his order dated 21.09.2011. Though it was alleged that there was an FIR against respondent No.2, however, it was specifically observed by the Collector at the time of scrutiny of documents that the FIR registered had already been cancelled and the report was also placed on the file. So far petitioner is concerned, there was a specific finding that he had committed illegal encroachment of 210 square yards of land of the Municipal Council which was evident from the inspection report placed

on record. Thus, respondent No.2 was found to be more suitable candidate and was appointed as Lambardar. The grievances of the petitioner were duly appreciated by the Appellate and the Revisional Authorities and finding no merit in the same, the Appellate and the Revisional Authorities dismissed the appeal and revision respectively.

In *Sukhjinder Pal Singh Vs. State of Punjab and others*, *2016(3)R.C.R.(Civil)725*, this Court while dealing with the same question has held as under:-

*14. It is pertinent to mention here that the appointment of Lambardar is primarily the prerogative and administrative act of the District Collector. The selection made by him is normally not to be undone unless and until it is shown that the same suffers from gross irregularity, perversity or there is some patent error in the appointment.*

In the considered opinion of this Court, there are concurrent findings of the respondents-authorities in favour of respondent No.2. Thus, on the anvil of the law settled, this Court does not find any perversity in the orders passed by the Collector, Appellate and Revisional Authorities and hence, this petition, being devoid of any merits is hereby dismissed.

**02.09.2023**  
*m. sharma*

**( RAJESH BHARDWAJ )**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |