

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

**CWP-20024-2023**

**Date of decision : 12.09.2023**

**Harpreet Singh**

**.....Petitioner**

**versus**

**Financial Commissioner (Appeals) Punjab and others**

**..... Respondents**

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

**\*\*\***

Present :- Mr. Manish Kumar Singla, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J.**

Prayer in this petition is for quashing the orders dated 17.07.2023 (Annexure P-5) and dated 29.03.2023 (Annexure P-4) passed by respondents No.1 and 2 respectively.

Adumbrated facts of the case are that on the death of Lambardar Darshan Singh on 15.09.2019, post of Lambardar fell vacant in the Village and thus, the process for the appointment of new Lambardar was initiated. The necessary sanction was granted and the Assistant Collector Second Grade-cum-Naib Tehsildar Bhadson issued notice for the *mustri munadi* for inviting the applications from the eligible candidates. In pursuance to the same, only one application from Harpreet Singh (petitioner) son of Pal Singh was received. Verification of the candidate Harpreet Singh was conducted from the local police. On appreciation of the merits of the candidate, he was found to be 21 years of age and he owned 23 bighas 14 biswas of land. He was found to be

9<sup>th</sup> standard pass and the case was recommended to the Collector. The Collector on appreciation of the overall merits of the candidate Harpreet Singh, found him suitable and thus, appointed him as Lambardar of the Village vide order dated 27.01.2021. Sanad Numberdari was issued to the petitioner on 29.01.2021. Aggrieved by the same, respondent No.6-Avtar Singh challenged the same by way of appeal under Section 13 of the Punjab Land Revenue Act (for short 'the Act') before the Commissioner, Patiala Division, Patiala. On hearing both the sides, the Commissioner accepted the same vide his order dated 29.03.2023 and thus, *set aside* the order passed by the Collector directing therein to conduct a fresh proclamation to be made in the Village to invite applications from the interested and eligible candidates and thereafter, a suitable candidate be appointed as Lambardar of the Village. Aggrieved by the same, petitioner filed the appeal under Section 13 of the Act before learned Financial Commissioner, Punjab, Chandigarh. After hearing both the sides, the Financial Commissioner, dismissed the same vide his order dated 17.07.2023 and thus, upheld the order passed by the Commissioner. Aggrieved by the same, petitioner is before this Court by way of present petition.

Learned counsel for the petitioner has vehemently contended that the petitioner was duly appointed as Lambardar of the Village by the Collector vide order dated 27.01.2021. He has submitted that after having conducted *mustri munadi*, the applications were invited. However, petitioner was the only candidate who applied for the post and thus, his *inter se* merits were verified and finding him suitable, he was appointed as Lambardar by the Collector vide order dated 27.01.2021. He has

submitted that respondent No.6 did not even apply for the same and thus, he had no *locus standi* to file the appeal challenging the appointment of the petitioner. He submits that the Appellate and Revisional Authorities have failed to appreciate that the appointment made by the Collector cannot be interfered. Thus, he submits that the impugned order being totally unsustainable in the eyes of law, deserves to be *set aside*.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that on the death of Lambardar Darshan Singh on 15.09.2019, post of Lambardar fell vacant in the Village and the process for the initiation of appointment of new Lambardar was initiated. The proclamation was made and the applications were invited but surprisingly, only one application i.e. from the petitioner was received and he was appointed as Lambardar by the Collector. However, respondent No.6 challenged the same by way of filing the appeal. As it is evident from the impugned orders, respondent No.6 had submitted before the Appellate Court that he duly applied for the appointment as Lambardar. It was contended that the application filed by him was received in the Office of Assistant Collector Second Grade-cum-Naib Tehsildar Bhadson within a week. It was argued by counsel for respondent No.6 that *mustri munadi* in the Village was not conducted in an effective manner and the Circle Patwari, Revenue Officials and Chowkidar were in active connivance with the petitioner and had not adopted the proper procedure for munadi. It was contended that the same did not bear the signatures of any member of the village Panchayat/Sarpanch and it is because of this reason, petitioner remained the only candidate in a fray and thus, there being no other choice, he was

appointed as a Lambardar. In the considered opinion of this Court, the view taken by the Appellate and Revisional Court do not suffer from any illegality as remanding the case for conducting the fresh mustri munadi so as to invite the applications from other candidates as well is a proper remedy and has been granted to meet the ends of justice. Being alone in race, the Collector had no other option but to appoint the petitioner as a Lambardar. The petitioner in any case would have a right to participate in the fresh process and thus, the Collector will have a wider choice for making the appointment of Lambardar. The Court cannot ignore the fact that the Lambardar is the headman of the Village and should be the man of repute and respect. Thus, finding no merit in the petition, the same is hereby dismissed. However, the Collector is directed to expedite the process for the appointment of new Lambardar and conclude the same expeditiously preferably within two months from the date of receipt of certified copy of this order.

12.09.2023  
*m. sharma*

( RAJESH BHARDWAJ )  
JUDGE

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