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

CWP No.23233 of 2023

Date of Decision: 13.10.2023

Swaran Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Amandeep Soni, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing the impugned order dated 14.11.2022 (Annexure P-3) passed by the learned Financial Commissioner, Punjab (respondent No.2) whereby the learned Financial Commissioner dismissed the revision petition filed by the petitioner against the order dated 30.11.2021 (Annexure P-2) passed by the learned Commissioner, Jalandhar Division, Jalandhar whereby learned Divisional Commissioner remanded the matter back to the learned District Collector, Jalandhar who appointed the petitioner as Lambardar of village Kanian Kalan, Tehsil Shahkot, District Jalandhar vide order dated 14.11.2019 (Annexure P-1). Further prayer has been made for upholding the order dated 14.11.2019 (Annexure P-1) passed by the learned Collector, Jalandhar appointing the present petitioner as the Lambardar of village Kanian Kalan, Tehsil

Shahkot, District Jalandhar and for staying the operation of impugned order dated 14.11.2022 (Annexure P-3) passed by the learned Financial Commissioner, Punjab (respondent No.2) and order dated 30.11.2021 (Annexure P-2) passed by the learned Divisional Commissioner, Jalandhar, during the pendency of the instant writ petition.

Brief facts of the case are that on the death of earlier Lambardar, namely Hardev Singh, post of Lambardar in village Kanian Kalan, Tehsil Shahkot, District Jalandhar fell vacant. Hence, process for appointment of new Namberdar was initiated. On receiving the necessary approval, mustri munadi was conducted for inviting the applications from the eligible candidates. In pursuance to the same, four applications from Navjinder Singh son of Ajit Singh, Lakhwinder Singh son of Baldev Singh, Navtej Singh son of Hardev Singh and Swaran Singh son of Shingara Singh were received. Thereafter, their character verification was got done and their *inter se* merits were evaluated. On appreciation of merits of the petitioner, he was found to be 33 years of age and 12th class pass. Besides this, he owned 36 kanal 03 marlas of land in the village. His name was recommended by 222 persons from village. On the other hand, respondent No.5, namely, Navtej Singh was found to be 45 years of age and 7th class pass. Besides this, he owned 31 kanal 14 marlas of land. The Collector on the overall evaluation of merits and demerits of the candidates, found Swaran Singh i.e. the petitioner to be more meritorious and thus, appointed him as Lambardar of the village vide his order dated 14.11.2019. Aggrieved by the same, respondent No.5 filed an appeal under Section 13 of the Punjab Land Revenue Act before the learned

Commissioner, Jalandhar Division, Jalandhar. The learned Commissioner re-appreciated the record and heard counsel for both the sides. On hearing, he set aside the order passed by the Collector and thus, remanded the case to the District Collector for decision afresh vide his order dated 30.11.2021. Aggrieved by the same, the petitioner filed revision petition before the learned Financial Commissioner, Punjab under Section 16 of the Punjab Land Revenue Act. The learned Financial Commissioner re-appreciated the evidence on record and heard both the sides. However, he found no merit in the revision petition filed and thus, dismissed the same vide his order dated 14.11.2022. Hence, the petitioner is before this Court again by way of filing the present writ petition.

Learned counsel for the petitioner has vehemently contended that the petitioner was 33 years of age and 12th class pass. Besides this, he owned 36 kanal and 3 marlas of land. She submits that admittedly the petitioner was younger in age than respondent No.5 and more qualified than respondent No.5 as respondent No.5 was 45 years of age and 7th class pass. She submits that the petitioner also owned more land than respondent No.5. She submits that learned Commissioner has illegally accepted the appeal filed by respondent No.5 as the allegations levelled against the petitioner were without any evidence on record. She has submitted that both the Appellate and Revisional Authorities have failed to appreciate Rule 15, 17, 19-B & 20 of the Punjab Land Revenue Rules as taking in view the parameters laid, the petitioner was obviously more meritorious candidate. She further submits that the allegations against the petitioner regarding the illegal possession of the Panchayat Land were

without any evidence on record and thus, the impugned orders passed are totally in violation of the principles of natural justice. She submits that as per law settled, the order passed by the Collector cannot be interfered in a cavalier manner as there was no perversity in the order passed, thus, the impugned orders being totally illegal deserve to be set aside.

I have heard learned counsel for the petitioner and perused the material on record.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that finding the petitioner more meritorious, the Collector appointed him as the Lambardar of the village vide his order dated 14.11.2019. However, in the appeal filed by respondent No.5, the Commissioner finding the order passed by the Collector suffering from perversity and thus, remanded the same. In the revision petition filed by the petitioner before the learned Financial Commissioner, it was found on hearing both the sides that the Gram Panchayat had passed the resolution dated 22.04.2020 wherein the petitioner along with other villagers found to be in illegal possession of the Panchayat Land. It was also found that the petitioner agreed to pay a sum of Rs.40,000/- per acre as lease amount but these allegations were not found to have been appreciated by the Collector at the time of his appointment. Hence, the Lambardar, who is the headman of the village, found to be carrying the allegations, which could not be appreciated by the Collector at the time of his appointment and thus, the same suffers from perversity.

Hence, in the considered opinion of this Court, the impugned orders passed by the learned Financial Commissioner dated 14.11.2022 as

well as learned Commissioner dated 30.11.2021 suffer from no infirmity in setting aside the order passed by the Collector and directing him to consider the case afresh. Thus, the present petition being devoid of any merit is hereby dismissed. However, the Collector, Jalandhar is directed to conclude the process for appointment afresh expeditiously in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

(RAJESH BHARDWAJ)
JUDGE

13.10.2023

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