

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26978 of 2023
Date of decision : 11.12.2023

Simranjeet Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for issuance of a writ in the nature of certiorari for quashing the impugned order dated 24.08.2023 (Annexure P-9) passed by respondent No.1-Financial Commissioner, order dated 09.09.2020 (Annexure P-5) passed by respondent No.2-learned Divisional Commissioner, order dated 03.10.2018 (Annexure P-4) passed by the District Collector, Patiala, order of recommendation dated 19.04.2018 (Annexure P-2) passed by learned Assistant Collector 1st Grade and order dated 19.03.2018 (Annexure P-1) passed by learned Assistant Collector IInd Grade vide which respondent No.4 was appointed as Lambardar on the ground that the same is bereft of reasoning and against the settled principles of law. Further prayer has been made for staying the operation of impugned order dated 24.08.2023 (Annexure P-9) during the pendency of the present petition.

Notice to the official respondents in this case was issued on 07.12.2023 and the BDPO concerned was directed to be present in the Court.

Learned State counsel has filed the reply by way of short affidavit of Jasleen Kaur Bhullar, Sub Divisional Magistrate Rajpura on behalf of respondents No.1 to 3 today in the Court and the same is taken on record. She has submitted that the factum regarding the contentions raised by learned counsel for the petitioner that respondent No.4 has left the Country has been substantiated as it has been found that respondent No.4, namely Gurjit Singh son of Jasvir Singh has migrated to abroad and he is not residing in the village. She submits that the State would initiate the fresh process of appointment of the Lambardar and the petitioner can also apply and participate in the same once the Munadi is conducted.

Learned counsel for the petitioner submits that the petitioner be allowed to participate in the fresh process to be initiated by the official respondents.

In view of the submissions made before this Court by learned State counsel, the present petition is rendered infructuous as the impugned order by virtue of which respondent No.4 was appointed would not stand in view of the fresh process likely to be initiated by the official respondents.

The present petition is disposed of with direction to the respondents to complete the entire process for appointment of the Lambardar in accordance with law within a period of three months from the date of receipt of certified copy of this order.

However, the petitioner would be at liberty to pursue the remedies as available to him in accordance with law.

11.12.2023
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(RAJESH BHARDWAJ)
JUDGE

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