

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

CWP-4485-2024

Date of Decision: 04.04.2024

Baldeep Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ivan Singh Khosa, Advocate and
Mr. Shivam Grover, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing the impugned order dated 09.01.2023 (Annexure P/1) passed by learned Financial Commissioner (Appeals), Punjab in ROR/71/2022 preferred under Section 16 of the Punjab Land Revenue Act, order dated 09.09.2021 of Commissioner, Patiala Division (Annexure P/2) and order dated 21.06.2018 of District Collector Ludhiana (Annexure P/3) for being non-speaking and arbitrary. Further prayer has been made for staying the orders Annexures P/1 to P/3 during the pendency of the present petition.

2. Adumbrated facts of the case are that the petitioner was appointed as Lambardar of the village Jwaddi, Tehsil and District Ludhiana. A complaint was filed against the petitioner by one Narinderpal Singh Sandhu on the allegations that the petitioner wrongly identified the legal heirs of deceased Harchand Singh and thus, attested a wrong pedigree table on the documents of vasika No.23632. On the basis the said complaint, investigation was carried out by SDM, Ludhiana (West). The allegations made in the complaint were found to have been substantiated and report was submitted before the Collector and a show cause notice was issued to the petitioner. In view of the investigation, report was submitted to the District

Collector, who dismissed the petitioner from the post of Lambardar of the village vide his order dated 21.06.2018. Aggrieved by the same, petitioner filed an appeal under Section 13 of the Punjab Land Revenue Act, before the Divisional Commissioner, Patiala Division, Patiala, who after hearing, found no merit in the appeal and dismissed the same vide order dated 09.09.2021. Still aggrieved by the same, petitioner filed a revision petition under Section 16 of the Punjab Land Revenue Act, before the Financial Commissioner assailing the orders passed by the Collector and the Commissioner. However, learned Financial Commissioner also found no merit in the revision petition filed and thus, dismissed the same vide order dated 09.01.2023. Hence, the petitioner approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the impugned orders are totally illegal, cryptic and non-speaking, thus, the same deserve to be set aside. He submits that the petitioner was approached by one Surinder Singh for attestation of pedigree table which was prepared by Patwari concerned. It is submitted that Surinder Singh disclosed that his father late Harchand Singh, during his lifetime had executed a Will in favour of Surinder Singh in which Surinder Singh was mentioned as sole legal heir. He submits that relying upon the Will, the pedigree table was attested by the petitioner. He submits that in the year 2018, other legal heirs of Harchand Singh filed a complaint before the District Collector, Ludhiana on the allegation that the petitioner wrongly identified the legal heir of deceased Harchand Singh and attested the wrong pedigree table on the document of vasika No.23632. He further submits that no show cause notice was served upon the petitioner and there being no evidence on record, the

impugned order has been passed by learned Collector for removing the petitioner from the post of Lambardar. He has submitted that the petitioner duly submitted before the Commissioner that Surinder Singh who was son of deceased Harchand Singh, filed his duly sworn affidavit before the Patwari sanctioning the mutation and there was no fault on the part of the petitioner for attesting the pedigree table. He submits that Surinder Singh has given the documents regarding the Will executed by Harchand Singh in his favour on the basis of the same, the petitioner attested the pedigree table. He submits that there was no lapse on the part of the petitioner but learned Commissioner equally has failed to appreciate the same and thereafter, in the revision filed before learned Financial Commissioner, he also failed to appreciate the submissions made by petitioner. It is submitted that all the impugned orders have been passed in violation of principles of natural justice and thus, deserve to be set aside.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was appointed as Lambardar of the village. In the year 2011, one Surinder Singh approached the petitioner for attesting the pedigree table which he did. In the year 2018, a complaint was filed against the petitioner for conniving with Surinder Singh and thus, intentionally attested wrong pedigree table. An enquiry was marked by the Collector to the SDM on the complaint filed. In the enquiry conducted, allegations against the petitioner were found to be substantiated and report was submitted to the Collector. As reflected from the record, show cause notice was issued to the petitioner, however, the petitioner preferred not to file any reply to the same. Thus, learned Collector on finding the petitioner guilty, removed him from the post of Lambardar. The order of removal was

assailed by the petitioner by way of filing appeal and revision, however, he failed to prove any perversity in the order passed by learned Collector and thus, his appeal and revision were dismissed.

5. Precise submission made by counsel for the petitioner is that the pedigree table was made by the Patwari, which was attested by the petitioner, and no action has been taken against the Patwari. There is no denial to the fact that a Lambardar is a Headman of the village, who is appointed after following the due process of law as per mandate of the Punjab Land Revenue Act and he is the person who is expected to discharge his duties in accordance with law. Needless to say that a Lambardar knows the villagers personally as well. It is on his attestation, revenue authorities take into consideration the identification made by the Lambardar. In the present case, the allegations against the petitioner were regarding attestation of wrong pedigree table of a resident of the village. In the complaint filed, these allegations were found to be true. Thus, the arguments raised by counsel for the petitioner that no action has been taken against the Patwari is totally misconceived as it would not absolve the petitioner from his guilt. The respondent-authorities have taken a concurrent view for the removal of the petitioner from the post of Lambardar. Thus, this Court does not find any perversity in the orders passed for its interference. Hence, the present petition devoid of any merit is hereby dismissed.

04.04.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No