

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17540-2018
Date of decision: 12.03.2024

Angrej SinghPetitioner

versus

The Financial Commissioner (Appeals), Punjab
and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. B.S. Seemar, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

Mr. H.S. Dhindsa, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 17.05.2018 (Annexure P-4) passed by respondent No.1 whereby well reasoned order dated 07.07.2015 (Annexure P-3) and order dated 12.08.2014 (Annexure P-2) passed by respondents No.2 and 3 respectively, appointing the petitioner as a Lambardar of Village Kariana Kalan, Tehsil and District Ludhiana have been set aside and the case has been remanded back to the District Collector, Ludhiana for fresh decision, after inviting fresh applications, in an illegal and arbitrary manner.

It has been submitted by counsel for the petitioner that the impugned order passed by learned Financial Commissioner is totally beyond the facts of the case. He has submitted that on the same day two different RORs i.e. ROR No.158/2016 titled as *Paramjit Singh Vs. Angrej Singh and another* and ROR No.71/2016 titled as *Amarjit Singh Vs. Surinder Singh* were listed before the learned Financial Commissioner. It is submitted that the facts of

the case in ROR No.71/2016 have been incorporated in the present case as well as is evident from the reading of Para 5 of both the judgments. He submits that neither the petitioner was having illegal possession of the *gair mumkin* rasta nor there was any FIR lodged against him but learned Financial Commissioner has recorded the findings in Para 5, which were relevant in ROR-71/2016 and not in the present case. It is submitted that the petitioner was appointed by the Collector which was affirmed by the Appellate Court as well. It is submitted that the petitioner at present is working as Lambardar.

Learned counsel for respondent No.4 is not in a position to controvert the abovesaid contentions raised by learned counsel for the petitioner.

Petitioner has attached copies of orders dated 17.05.2018 passed in both the abovesaid RORs. Perusal of the same show that Para No.5 in both the revision petitions is verbatim same and there is not even a difference of coma full-stop. It appears that this Para which is relevant in ROR No.71/2016 has been inadvertently typed in the present case.

Resultantly, the impugned orders are *set aside*. The case is remanded to the Financial Commissioner to pass afresh order within two months after hearing both the sides. Till the decision of the petition by the Financial Commissioner, petitioner would continue to discharge his duties as Lambardar.

Petition is disposed of accordingly.

12.03.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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