



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26964-2015 (O&M)
Date of decision :19.09.2024

BALDEV SINGH ...Petitioner

Versus

FINANCIAL COMMISSIONER, REVENUE,
PUNJAB CIVIL SECRETARIAT, PUNJAB, CHANDIGARH
AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. N.S. Diwana, Sr. D.A.G., Punjab.

Mr. N.S. Sodhi, Advocate
for respondents No.2 and 3.

HARSH BUNGER, J. [ORAL]

Petitioner (Baldev Singh) has filed the instant writ petition under Article 226 of the Constitution of India, *inter alia*, seeking a writ in the nature of *certiorari* for setting aside the order dated 25.08.2015 (Annexure P-1) passed by the learned Financial Commissioner (Revenue), Punjab, whereby, the petitioner's appointment as *Lambardar* of Village Kot Badal Khan, Tehsil Phillaur, District Jalandhar, has been set aside and the matter has been remanded to the learned Collector to initiate fresh proceedings for appointment of *Lambardar* of Village Kot Badal Khan.

2. Briefly, on demise of Sh. Lachhman Singh, previous *Lambardar* of Village Kot Badal Khan, proceedings were initiated for filling up the vacancy.

3. The learned Collector, Jalandhar, vide order dated 25.05.2010 (Annexure P-2) appointed the petitioner as *Lambardar* of Village Kot Badal Khan. The said order was challenged by way of filing two appeals i.e. one by Karnail Singh and another by Jarnail Singh. Both the afore-said appeals were dismissed by the learned Commissioner, Jalandhar Division, Jalandhar, vide its common order dated 29.11.2013 (Annexure P-3).

4. Being still dissatisfied, afore-said Jarnail Singh and Karnail Singh, filed two separate Revision Petitions (***ROR No.482-2014*** and ***ROR No.483-2014***, respectively). Both the said Revision Petitions came to be allowed by the learned Financial Commissioner, vide its common order dated 25.08.2015 (Annexure P-1), whereby, the petitioner's appointment as *Lambardar* was set aside and the matter was remanded to the learned Collector, for initiating fresh proceedings for appointment of *Lambardar* of Village Kot Badal Khan.

5. In the afore-mentioned circumstances, the petitioner has filed the present writ petition before this Court.

6. Heard.

7. In the present case, the petitioner was appointed as *Lambardar* by the learned Collector, after finding him as the most suitable candidate, by observing as under :-

“That the argument advanced by the learned counsel of the candidates related to this case has been considered and record is perused. Candidate Jarnail Singh work as Kanungo in Jalandhar, whether being on service is no disqualification for Lambardar, but residence in village is must. He can't be available to people for work related to Lambardari from Jalandhar. Jarnail Singh has no proof with regard to his studies, against Surjit Singh there is complaint for trespass, case

is going against him with his wife u/s 125, who expired in her parental home. By not keeping relation with his wife, he kept her away from the rights of lady, which is social cruelty. Candidate Kulvir Singh has no land in the village. Candidate Baldev Singh is literate young man. He is income tax assessee, having permanent residence in the village, keep interest in social and religious work and his father has ten acre of land who has given affidavit that after his death, his sons will be owner of the land. He has his own land in other village, which is enough for the land revenue security purpose. That the order has been passed in 2006(2) PLJ47 CWP No.4215 of 2015 order Dated 25-05-2006 – “Ownership of the land-candidate for appointment of lambardar must own sufficient landed property in order to secure recoveries made by him from inhabitants of the village- Ownership of land is essential requirement for making appointment to the post of Lambardar.” Baldev Singh keep interest in social and religious and development works and from the point of communication seems to be a cool minded person. Therefore considering Baldev Singh suitable and better candidate for lambardar appointed him new lambardar of village Kot Badal Khan Tehsil Phillaur District Jalandhar in the place of deceased lambardar Lachman Singh. File be consigned to the record room.”

8. The afore-said Collector’s order was further upheld by the learned Commissioner, Jalandhar, however, the learned Financial Commissioner, vide impugned order has set aside the petitioner’s appointment as *Lambardar*, by holding as under :-

“5. I have perused the record. The Collector appointed respondent as Lambardar on 25-5-2010 on which date he did not own any land in the revenue estate. This fact is noted in the Naqsha Lambardari at

page 73 of the Collector's file. In his order, Collector notes that the Respondent's father owns 10 acres of land in village Kot Badal Khan and that his father has stated that after his death his son will inherit the land. However, this situation does not fulfil the condition prescribed in Rule 15(b). An expectation or presumption of inheritance cannot be a substitute for ownership. On this ground the Collector's order is illegal, since it appoints a person as Lambardar who does not fulfill the prescribed qualification of land ownership. The Commissioner has ignored this fact in the impugned order. Hence, it is set aside. The Collector is directed to initiate fresh proceedings to appoint a Lambardar of village Kot Badal Khan."

8.1 A perusal of the above extracted findings returned by the learned Financial Commissioner, would show that the petitioner's appointment has been set aside only on the ground that he did not own any land in the revenue estate.

9. A perusal of the paper-book would show that the learned Collector had clearly recorded in his order that the petitioner has land in another village, which is enough for the land revenue security purpose. Moreover, in case of ***Gurpreet Singh versus Financial Commissioner (Revenue), Punjab, 2017(1) RCR (Civil) 233***, this Court has observed that land revenue stood abolished in both the State of Punjab and Haryana, long back, thus owning land by the candidates for the post of *Lambardar* would not be of much significance any further.

10. Still further, in the case of ***Kuldip Singh vs Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273***; it was held by the Division Bench of this Court that choice of the District Collector cannot be lightly set aside, even if two views are possible, unless there is

any patent illegality or perversity therein. It is also well established that the learned Collector is the main authority for appointment of the *Lambardar*. It is the Collector, who not only appreciates the antecedents of all the candidates in the fray but also personally interacts with them.

11. In the afore-mentioned facts and circumstances and also keeping in view the observations made by this Court in *Gurpreet Singh's* case (*supra*), I am of the considered view that the learned Financial Commissioner has erred in upsetting the choice of the Collector, accordingly, the same is liable to be set aside. Resultantly, the instant writ petition is allowed and the order passed by the learned Financial Commissioner, is set aside and the Collector's order dated 25.05.2010, appointing the petitioner as *Lambardar* and as upheld by the learned Commissioner, Jalandhar, is accordingly, maintained.

12. No other argument was raised.

13. All pending applications (if any) shall also stand closed.

September 19, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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