

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2477-2025 (O/M)

Date of decision : 30.01.2025

Surinder Singh

..... Petitioner

Versus

State of Punjab and othesr

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Nitnem Singh Ghuman, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Petitioner (Surinder Singh) has filed the instant civil writ petition under Articles 226/227 of the Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 21.03.2024 (Annexure P-1), passed by the learned Financial Commissioner, Punjab (in short 'Financial Commissioner'); order dated 26.04.2022 (Annexure P-4), passed by learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') and order dated 19.10.2020 (Annexure P-5), passed by learned District Collector, Rupnagar (in short 'Collector'), whereby respondent No. 6 (Harinder Singh) was appointed as Lambardar of village Nanakpura alias Sarfabad (Hadbast No. 43), Tehsil and District Rupnagar.

2. Briefly, on demise of Shri Gurdev Singh, previous Lambardar of village Nanakpura alias Sarfabad (Hadbast No. 43), Tehsil

and District Rupnagar, proceedings were initiated for filling up the aforesaid vacancy. In pursuance to the proclamation, 5 persons (including petitioner and respondents No. 6 to 8) applied for the aforesaid vacancy. The Tehsildar, Rupnagar, recommended the name of the petitioner and forwarded the matter to Sub Divisional Magistrate, Rupnagar. The Sub Divisional Magistrate, Rupnagar, after hearing the candidates, recommended the name of respondent No. 6 (Harinder Singh) for appointment to the post of Lambardar and thereafter, the matter was put up before learned Collector.

2.1 It transpires that during the course of hearing before learned Collector, the petitioner, respondent No. 7 and respondent No. 8 raised an objection that respondent No. 6 (Harinder Singh) is not a permanent resident of village Nanakpura alias Sarfabad, whereupon the learned Collector sought report from Sub Divisional Magistrate, who reported that as on 01.01.2017, the name of respondent No. 6 was not in the voter list of village Nanakpura alias Sarfabad, however, on application being submitted by respondent No. 6 to BLO on 09.07.2017, his vote was made after 23.07.2017. It was further reported that respondent No. 6 had also submitted a request to delete his name from the voter list of Ward No. 15, Rupnagar.

2.2 Upon considering the merits and demerits of the candidates, the learned Collector, vide order dated 19.10.2020 (Annexure P-5), appointed respondent No. 6 (Harinder Singh) as Lambardar of village Nanakpura alias Sarfabad.

2.3 Being aggrieved against the order dated 19.10.2020 (Annexure P-5), passed by learned Collector, the petitioner and

Numberdari, RA-45/20 Numberdari and RA-55/20 Numberdari) before the learned Divisional Commissioner, which came to be dismissed, vide common order dated 26.04.2022 (Annexure P-4), whereby learned Collector's order dated 19.10.2020 (Annexure P-5), appointing respondent No. 6 (Harinder Singh) as Lambardar of village Nanakpura alias Sarfabad, was maintained.

2.4 Still dis-satisfied, the petitioner and respondent No. 7 preferred separate revision petitions (ROR 672 of 2022 and 671 ROR of 2022), which also came to be dismissed by learned Financial Commissioner, vide common order dated 21.03.2024 (Annexure P-1).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition seeking relief(s), as noticed hereinabove.

4. Learned counsel for petitioner submits that the learned Financial Commissioner has erred in law and facts in dismissing the revision petition filed by the petitioner. It is submitted that the petitioner is more meritorious than respondent No. 6 as he son of deceased Lambardar and being a permanent resident of village, he will always remain present for the villagers. It is next submitted that respondent No. 6 does not own agriculture land in the village. It is further submitted that Tehsildar, Rupnagar has recommended the candidature of petitioner for appointment as Lambardar, however, the same has been ignored. With the aforesaid submissions, prayer has been made for setting aside the impugned orders passed by the courts below and to further appoint the petitioner as Lambardar.

5. I have heard learned counsel for the petitioner and have also perused the paperbook with his able assistance.

6. Here, it would be appropriate to refer to the relative merits, as noticed by learned Collector, which are as under :-

Particulars	Petitioner (Surinder Singh)	Respondent No. 6 (Harinder Singh)
Age	54	44
Educational qualification	Under Matric	Matric
Recommended by	Tehsildar, Rupnagar	SDM, Rupnagar
Land holdings	7 ½ kanals	One Aara showroom in village
Other remarks	Hereditary claim	---

6.1 A perusal of the above comparison would indicate that respondent No. 6 (Harinder Singh) has an edge over the petitioner inasmuch as that respondent No. 6 is younger in age and more educated than the petitioner and the Sub Divisional Magistrate, has also recommended his name for appointment as Lambardar.

6.2 Considering the aforementioned comparative better merits of respondent No. 6, the learned Collector appointed respondent No. 6 as Lambardar, which has been further maintained by learned Divisional Commissioner. The learned Financial Commissioner has also upheld the order passed by learned Collector by holding as under :-

“6. I have heard Ld. Counsel for both the parties, gone through their submissions and perused the orders of the courts below. I find that in both the revision petitions main submissions of the counsel for the petitioner is that respondent is not resident of village but counsel for the respondent has placed on record the copy of the Aadhar card, voter card, Gas Connection card, electricity bills, Driving license, death certificate of his father Sardara Singh, passbook of the bank etc. which proves that respondent is permanent resident of village Nanakpura. The respondent is 44 years of age, is metric pass, owns 2 Kanals of land and one showroom and always available in the village. The SDM, Rupnagar recommended name of

respondent and he is appointed by the District Collector. The appointment of respondent is also upheld by the Divisional Commissioner. After hearing and considering the merits and demerits of all the parties, DC appointed the respondent Harinder Singh as a lambardar. The Collector is the appointing authority of the Lambardar. It is the duty of the Collector to appoint such persons in the office of Lambardar, who are eligible and competent to carry out the duties efficiently. He is in an advantageous position to examine the merits and demerits of the candidates. Choice of the Collector in the matter of appointment of village Lambardar should not normally be interfered with, unless the Collector has taken a perverse view and has not exercised his choice judiciously. In the present case, I find nothing perverse in the order of the District Collector as well as the Commissioner which warrants me to interfere in the orders of the courts below. Therefore, I do not find any merits in both the cases.

7. Thus, keeping in view the aforesaid facts and circumstances of the case, I dismiss both the revision petitions with a single order and the order dated 26.04.2022 passed by the Divisional Commissioner, Rupnagar Division, Rupnagar and order dated 19.10.2020 passed by the District Collector, Rupnagar are hereby upheld.”

6.3 ***In Mahavir Singh Versus Khiali Ram and Others***, 2009(1)

RCR (Civil) 757, Hon'ble the Supreme Court held that with regard to the appointment of a Lambardar in the State of Punjab, age of a candidate is a relevant factor.

6.4 As regards the hereditary claim, as pleaded by petitioner, the same has been held to be ultra vires the Constitution, by a Division Bench of this Court in ***Karnail Singh Versus State of Haryana etc., 1973 PLJ 676.***

6.5 As far as landholding is concerned, this Court in the case of ***Gurpreet Singh Versus Financial Commissioner (Revenue), Punjab***, 2017(1) RCR (Civil) 233, 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.

6.6 In the case of ***Kuldip Singh Versus Financial Commissioner, Appeals-II, Punjab, 2016(1) RCR (Civil) 273***; it was held by the Division Bench of this Court that the 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. In the present case, the learned Collector's order has been further upheld by appellate as well as revisional authority.

7. All the revenue authorities i.e. the Collector, the Divisional Commissioner and the Financial Commissioner have taken a concurrent view in favour of respondent No. 6, which are duly supported by sound reasons, therefore the same deserve to be upheld.

8. Considering the totality of circumstances, I do not find any merit in this writ petition and the same is accordingly dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

30.01.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No