

CWP-4156-2019 (O/M)
CWP-4079-2020 (O/M)

-1-

2025:PHHC:172805
2025:PHHC:172808

266

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 10.12.2025

CWP-4156-2019 (O/M)
Balbir Singh

2025:PHHC:172805
..... Petitioner

Versus

State of Punjab and others

..... Respondents

CWP-4079-2020 (O/M)
Kulwinder Kaur

2025:PHHC:172808
..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Anil Sharma, Advocate
for the petitioner in CWP-4156-2019 and
for respondent No. 4 in CWP-4079-2020.

Mr. Navneet Singh, Additional A.G. Punjab.

Mr. Ram Kumar Chauhan, Advocate
for respondent No. 3 in CWP-4156-2019 and
for the petitioner in CWP-4079-2020.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. This order shall dispose of aforementioned two writ petitions
i.e. CWP-4156-2019 and CWP-4079-2020, as common issues of law and
facts are involved therein.

1.1 For brevity, facts have been taken from CWP-4156-2019.

2. Prayer in the instant civil writ petition (CWP-4156-2019) filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside the order dated 16.01.2017 (Annexure P-2), passed by learned Commissioner, Jalandhar Division, Jalandhar (in short 'Divisional Commissioner') and order dated 29.10.2018 (Annexure P-3), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2.1 Briefly, on demise of Shri Pritam Singh, previous Lambardar of village Johal, Tehsil Dasuya, District Hoshiarpur, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Balbir Singh) and respondent No. 3 (Kulwinder Kaur) were also the candidates.

2.2 It appears that learned Collector, Hoshiarpur (in short 'Collector'), vide order dated 10.02.2015 (Annexure P-1), appointed petitioner (Balbir Singh) as Lambardar of village Johal.

2.3 Feeling aggrieved against learned Collector's order, respondent No. 3 (Kulwinder Kaur) preferred an appeal before learned Divisional Commissioner, which was allowed, vide order dated 16.01.2017 (Annexure P-2), whereby learned Collector's order dated 10.02.2015 (Annexure P-1), was set aside and matter was remanded to learned Collector for making respondent No. 3 (Kulwinder Kaur) as Lambardar.

2.4 Being dis-satisfied, petitioner (Balbir Singh) preferred a revision petition (ROR-279-2017) before learned Financial

Commissioner, who vide order dated 29.10.2018 (Annexure P-3), dismissed the revision petition.

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

4. During the course of hearing of this writ petition, a coordinate bench of this Court on 04.04.2019 had passed the following order :-

“It is the contention of learned counsel for the petitioner that when comparative merit of the petitioner is taken into consideration vis-a-vis respondent No. 3, it is apparent that the petitioner is more educated being matriculate, whereas respondent No.3 is only 8th pass. Similarly petitioner owns 11 acres, 1 kanal and 9 marlas of land, whereas respondent No.3 owns only 4 kanals of land. He contends that while passing the orders, the Commissioner as well as the Financial Commissioner, Punjab, have merely proceeded on the assumption that the residence of respondent No. 3 has been wrongly considered by the Collector and that prejudice has been caused to respondent No.3 being female candidate and mother of two kids. He contends that those factors although have been mentioned in the order passed by the Collector but have primarily not weighed in the mind of the Collector, rather when seen in the context of statutory rules governing the appointment of Lambardar, petitioner is more meritorious than respondent No. 3.

Notice of motion.

On the asking of the Court, Mr. Charanpreet Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondents 1 and 2.

Power of attorney of Mr. R.K. Chauhan, Advocate, on behalf of respondent No. 3 is already on record.

List on 18.07.2019.

Operation of the order dated 16.01.2017 passed by the Commissioner, Jalandhar Division, Jalandhar, to the extent of ordering appointment of respondent No. 3 as Lambardar, which has been upheld by Financial Commissioner (Appeals), Punjab, shall remain stayed till the next date of hearing.

Let the fact finding inquiry, in any case, continue.

District Collector, Hoshiarpur, is directed to finalise the fact finding inquiry and pass a fresh order within a period of four weeks.”

4.1 It appears that in pursuance to above extracted dated 04.04.2019, passed by this Court; learned Collector, Hoshiarpur passed a fresh order dated 14.10.2019 (Annexure P-5 in CWP-4079-2020), appointing Balbir Singh as Lambardar. The said order dated 14.10.2019 has been challenged by respondent No. 3 (Kulwinder Kaur) by filing a separate writ petition i.e. CWP-4079-2020.

5. During the course of hearing of these petitions, learned counsel for petitioner (Balbir Singh) as well as learned counsel for respondent No. 3 (Kulwinder Kaur) are ad idem that the matter requires a re-look at the hands of learned Collector, Hoshiarpur for considering the matter on merits as per provisions contained in Rule 15 read with Rule 17 of Punjab Land Revenue Act, 1887, regarding appointment of Lambardar. They further submit that they have no objection, if earlier orders i.e. order dated 10.02.2015 (Annexure P-1), passed by learned Collector; order dated 16.01.2017 (Annexure P-2), passed by learned Divisional Commissioner; order dated 29.10.2018 (Annexure P-3),

passed by learned Financial Commissioner and also the fresh order dated 14.10.2019 (Annexure P-5 in CWP-4079-2020), passed by learned Collector, Hoshiarpur, which has been challenged by respondent No. 3 (Kulwinder Kaur) by filing a separate writ petition (CWP-4079-2020); are set aside and matter is remitted back to learned Collector, Hoshiarpur, for fresh decision.

6. Learned State counsel has not opposed the aforesaid course being adopted.

7. Keeping in view the aforesaid broad consensus arrived at between the parties and also considering the fact that the matter requires a re-look at the hands of learned Collector, Hoshiarpur, as per provisions of Rule 15 read with Rule 17 of Punjab Land Revenue Act, the orders i.e. order dated 10.02.2015 (Annexure P-1), passed by learned Collector; order dated 16.01.2017 (Annexure P-2), passed by learned Divisional Commissioner; order dated 29.10.2018 (Annexure P-3), passed by learned Financial Commissioner and also fresh order dated 14.10.2019 (Annexure P-5 in CWP-4079-2020), passed by learned Collector, [which has been challenged by respondent No. 3 (Kulwinder Kaur), by filing a separate writ petition (CWP-4079-2020)], are set aside and matter is remitted back to learned Collector, Hoshiarpur, to decide the matter afresh between the parties by passing a speaking order in the light of the provisions contained in Rule 15 read with Rule 17 of Punjab Land Revenue Act, 1887 and also the law on the issue; within a period of three months from the date when parties put in appearance before learned Collector, Hoshiarpur.

7.1 The parties are directed to appear before learned Collector, Hoshiarpur, on 29.12.2025 or any other date as may be fixed by learned Collector, Hoshiarpur.

8. In view of above, both the aforesaid writ petitions stand disposed of, in the aforestated terms.

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

10. Photocopy of this order be placed on connected case file.

(HARSH BUNGER)
JUDGE

10.12.2025
sjks

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