

2025.PHHC.027174



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

CWP-14426-2022 (O&M)
Date of decision : 24.02.2025

SOHAN SINGH

...Petitioner

Versus

FINANCIAL COMMISSIONER (APPEALS), PUNJAB,
CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ishmeet Singh, Advocate
for Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

Mr. Vaneet Thakur, Advocate
for Mr. B.S. Seemar, Advocate
for respondent No.5.

Mr. Harjinder Singh, Advocate
for Mr. R.S. Athwal, Advocate
for respondent No.6.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition, filed under Articles 226/227 of the Constitution of India, is for setting aside the order dated 27.04.2018 (Annexure P-3) passed by the learned Commissioner, Roopnagar Division, Roopnagar and also the order dated 19.04.2022 (Annexure P-5) passed by the learned Financial Commissioner (Appeals) Punjab.

A further prayer has been made for upholding the order dated 27.10.2016 (Annexure P-1) passed by the learned Collector, Shaheed

Bhagat Singh Nagar, whereby, the petitioner was appointed as the *Lambardar* of Village Mahindpur, Tehsil Balachaur, District S.B.S. Nagar.

2. Briefly, on demise of Sh. Harbaksh Singh, previous *Lambardar* (general) of Village Mahindpur, Tehsil Balachaur, District S.B.S. Nagar, proceedings were initiated for filling up the vacancy. In pursuance of the proclamation made in the village, eight persons (including petitioner namely, Sohan Singh and respondents No.4 to 6) applied for the afore-said post. The Tehsildar, Balachaur as well as the Sub-Divisional Magistrate, Balachaur recommended the candidature of the petitioner for appointment to the post of *Lambardar* and the matter was placed before the learned Collector, S.B.S. Nagar.

2.1 The learned Collector, S.B.S. Nagar, vide order dated 27.10.2016 (Annexure P-1) appointed the petitioner as *Lambardar* of Village Mahindpur.

2.2 Feeling aggrieved against the Collector's order dated 27.10.2016 (Annexure P-1), respondents No.4 to 6 filed their separate appeals before the learned Commissioner, Roopnagar Division, Roopnagar. All the afore-said three appeals came to be allowed by the learned Commissioner, vide order dated 27.04.2018 (Annexure P-3); whereby, the matter was remanded to the learned Collector, S.B.S. Nagar with a direction to pass a fresh decision after hearing all the parties.

2.3 Feeling aggrieved against the Commissioner's order, petitioner-Sohan Singh preferred an appeal before the learned Financial Commissioner (Appeals) Punjab; however, the same was dismissed by the learned Financial Commissioner, vide order dated 05.05.2022 (Annexure P-5).

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

3. Heard.

4. In the present case, the learned Collector, S.B.S. Nagar appointed the petitioner as *Lambardar* of Village Mahindpur, by observing as under :-

“All the candidates who came present were heard very carefully and the file was also perused minutely. After hearing the candidates who were present and on the perusal of the file, I have come to this conclusion that Sh. Sohan Singh son of Kartar Singh candidate is more suitable candidate than the other remaining candidates. Although, candidate Sh. Surinder Singh is son of deceased Lambardar but an objection has been raised against this candidate that candidate Sh. Surinder Singh has not served his father i.e. Lambardar Harbaksh Singh during his lifetime due to which his father has not given him any share out of his ancestral property. Candidate Sh. Surinder Singh is running a medical shop at Village Majari and therefore this candidate will not be easily available to the residents of the village for their works. On the perusal of the file, it has also come to light that candidate Sh. Surinder Singh son of Harbaksh Singh has submitted an application before the Court of Sub Divisional Magistrate and has prayed that this post of Lambardari belongs to Patti 21 Hal and therefore the candidate who is having his residence in the said Patti 21 Hal shall be given this post of Lambardari regarding which Sub-Divisional Magistrate Balachaur have got recorded the statement of Halqa Patwari. Halqa Patwari have stated in his statement that this Lambardari is not of Patti and it has been already written in the Naksha Lambardari that this Lambardari does not belongs to any Patti and is general Lambardari of Village Mahindpur. Against candidate Sh. Teja Singh, an FIR No.19 dated 23.03.1997 under Section 323, 325, 34 IPC is registered

at PS Balachaur, in which SDJM Balachaur vide his order dated 17.05.1999 has convicted him for a period of one year and imposed a fine of Rs.500/-. Candidate Sh. Sohan Singh is aged 60 years. His educational qualification is 6th class pass and he can read and write Hindi and Punjabi language very well. He is owner of 16 Kanals of land and is doing agricultural work. He bears good moral character. Candidate Sh. Sohan Singh is more generous than the other candidates and this candidate has donated Rs.10,000/- for the land meant for religious purposes in the village. He has also contributed Rs.5,000/- + Rs.5,000/- to Sher-E-Punjab Sports Club (Regd.) Mahindpur. He has also given the financial assistance to the tune of Rs.11,000/- at the time of the marriage of daughter of Sh. Shingara Singh son of Mehar Chand in the year 2012. Tehsildar Balachaur (Circle Revenue Officer) and Sub Divisional Magistrate, Balachaur have also recommended the name of Sh. Sohan Singh son of Kartar Singh resident of Village Mahindpur, Tehsil Balachaur for the post of Lambardar. Therefore, I while agreeing with the recommendations made by Tehsil Balachaur and Sub Divisional Magistrate Balachaur, hereby appoint candidate Sh. Sohan Singh son of Kartar Singh resident of Village Mahindpur, Tehsil Balachaur as a New Lambardar (General) of Village Mahindpur, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar in place of Sh. Harbaksh Singh deceased Lambardar (General) of Village Mahindpur, Tehsil Balachaur. The appointed Lambardar is hereby directed that he shall submit his application for the issuance of Sanad Lambardari after the expiry of the period of limitation for filing appeal. The file be consigned to record room after the necessary compliance. The order is announced.”

5. A perusal of the above extracted order passed by the learned Collector, Shaheed Bhagat Singh Nagar, would show that the learned Collector was swayed by the fact that the petitioner is more generous than the other candidates as he had donated Rs.10,000/- for the land meant for

religious purposes, Rs.10,000/- for Sher-E-Punjab Sports Club, Rs.11,000/- at the time of the marriage of daughter of one Shingara Singh.

6. The learned Commissioner, while allowing the appeals filed by respondents No.4 to 6 herein, categorically observed that the learned Collector, S.B.S. Nagar, made the appointment of *Lambardar* on the basis of the candidate doing more charity, which is not one of the qualifications envisaged under Rule 15 of the Punjab Land Revenue Act. The said order has been further upheld by the learned Financial Commissioner (Appeals). Indeed, giving more donations or doing charity, is not one of the qualifications as envisaged under Rule 15 read with Rule 17 of the Punjab Land Revenue Act, which read as under :-

“[15. Matters to be considered in first appointments.-- In all first appointments of headman, regard shall be had among other matters to—

(a) his hereditary claims;

(b) the property in the estate possessed by the candidate to secure the recovery of land revenue;

(c) services rendered to the State by himself or by his family;

(d) his personal influence, character, ability and freedom from indebtedness;

(e) the strength and importance of the community from which selection of a headman is to be made;

(f) services rendered by himself or by his family in the national movements to secure freedom of India.]”

“17. Matters to be considered in appointment of successors.—¹[(i) In an estate, or sub-division thereof, owned chiefly, or altogether by Government a successor to the office of headman shall be selected with due regard to all the considerations, other than hereditary claims, stated in Rule 15;

²[—]

³*[(ii) In other estates for the appointment of successor to headman, regard shall be had to the matters contained in rule 15 ; and*

⁴*[(iii)]*

(iv) Election shall not in any case be resorted to as an aid in making appointments under this rule and rule 14.”

7. Apparently, the other qualifications, as envisaged under the above extracted rules i.e. the personal influence, character, ability, freedom from indebtedness of a candidate, services rendered by himself or by his family to the estate etc. and also the age and other merits and de-merits of the candidates have not been considered by the learned Collector.

8. In this view of the matter, I find no illegality or perversity in the orders passed by the learned Commissioner as well as the learned Financial Commissioner. Resultantly, finding no merit in the present writ petition, the same is dismissed.

9. However, since the matter concerning appointment of the *lambardar* in the present case, has been pending since the year 2016, I deem it appropriate to direct the learned Collector, Shaheed Bhagat Singh Nagar, to decide the matter within a period of three months from the date the parties put in appearance before him.

10. The parties are, accordingly, directed to appear before the learned Collector, Shaheed Bhagat Singh Nagar, on 24.03.2025.

11. All pending application/s, if any, shall also stand closed.

February 24, 2025

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No