

158 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15688-2025 (O/M)
Date of decision : 28.05.2025

Gurmukh Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Yogesh Kumar Aneja, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Gurmukh Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 20.09.2023 (Annexure P-1), passed by learned Collector, Ferozepur (in short 'Collector'), whereby the petitioner has been removed from the post of Lambardar of village Nau Behram Sher Singh Wala.

1.1 A further prayer has been made for setting aside the order dated 23.02.2024 (Annexure P-3), passed by learned Commissioner, Ferozepur Division, Ferozepur (in short 'Divisional Commissioner') and also order dated 22.04.2024 (Annexure P-5), passed by learned Financial Commissioner (Appeals), Punjab, whereby an appeal as well as revision petition filed by the petitioner against learned Collector's order, have been dismissed, respectively.

2. Briefly, petitioner (Gurmukh Singh), who is stated to be 95 years of age, was Lambardar of village Nau Behram Sher Singh Wala. It appears that on his recommendation, his son Mohinder Singh was appointed as Sarbraha Lambardar of village Nau Behram Sher Singh Wala.

2.1 It transpires that the Sarpanch of the village, namely, Joginder Singh, filed a complaint against the petitioner (Gurmukh Singh) as well as his son Mohinder Singh (Sarbraha Lambardar), stating that they are in illegal possession of panchayat land, measuring 6 kanal- 14 marla, whereupon a school building was to be constructed, however, petitioner and his son were causing hindrance in the construction of the school building. Accordingly, prayer for their removal from the post of Lambardar as well as Sarbraha Lambardar was made.

2.2 Upon receipt of the said complaint, learned Collector marked an inquiry to the concerned Block Development Panchayat Officer, who submitted his inquiry report dated 29.09.2022, wherein it was stated that Mohinder Singh (son of the petitioner) was in illegal possession of the panchayat land, measuring 6 kanal – 14 marla and in that regard, even a case was filed before the Court of District Development Panchayat Officer-cum-Collector, Ferozepur, which had been decided against them.

2.3 Learned Collector, upon considering the matter, ordered removal of the petitioner from the post of Lambardar alongwith his son Mohinder Singh, who was a Sarbraha Lambardar, vide order dated 20.09.2023 (Annexure P-1).

2.4 Feeling aggrieved against learned Collector's order, petitioner preferred an appeal before learned Divisional Commissioner, however, the same was dismissed, vide order dated 23.02.2024 (Annexure P-3).

2.5 Further revision petition (ROR-275-2024) filed by the petitioner was also dismissed by learned Financial Commissioner, vide order dated 22.04.2024 (Annexure P-5).

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

4. The only argument raised by learned counsel for petitioner is that the son of the petitioner, namely, Mohinder Singh, had approached Hon'ble the Supreme Court of India by filing an Special Leave to Appeal (C) No. 13872 of 2022 for protecting his possession from the panchayat, wherein Hon'ble the Supreme Court of India passed an interim stay order dated 26.08.2022 (Annexure P-6) regarding dis-possession.

5. During the course of hearing of the instant writ petition, learned counsel for the petitioner was asked as to what was the next date in the aforesaid Special Leave to Appeal (C), however, no response was forthcoming. Accordingly, the status of aforesaid Special Leave to Appeal (C) was checked on the website, from which it was learnt that the said Special Leave to Appeal (C) already stood disposed of, vide order dated 13.01.2023, whereby the following order was passed:-

“1. Having heard learned counsel for the parties and taking into consideration the fact that the Writ Petition is still pending consideration before the High Court, we deem it appropriate to dispose of this petition with a direction to

the parties to maintain status quo, as it exists today, till the Writ Petition is decided by the High Court on merits.

2. Taking into consideration the totality of facts and circumstances of the instant case, we request the High Court to expedite the hearing of the Writ Petition, pending adjudication before it.

3. The Special Leave Petition stands disposed of accordingly.”

6.1 Further, even the status of the writ petition i.e. CWP-18395-2007, filed by Mohinder Singh (son of the petitioner) was checked on the website and it was revealed that the said writ petition had already been dismissed by a Division Bench of this Court, vide order dated 03.03.2023 and the orders of eviction passed against Mohinder Singh by the authorities below had been maintained and affirmed.

6.2 Apparently, the petitioner has conveniently concealed the factum of final disposal of Special Leave to Appeal (C) No. 13872-2022, vide order dated 13.01.2023 and also subsequent dismissal of the writ petition (CWP-18395-2007), vide order dated 03.03.2023. Evidently, the petitioner has tried to mislead this Court by placing reliance upon an order dated 26.08.2022 (Annexure P-6); which clearly reflects that the conduct of the petitioner is not above board.

6.3 That apart, since the eviction order passed against Mohinder Singh (son of petitioner) already stands affirmed by a Division Bench of this Court and considering the fact that Mohinder Singh (son of petitioner) was appointed as Sarbraha Lambardar in place of petitioner (Gurmukh Singh) with a clear stipulation that the petitioner shall stand responsible for all the actions of Sarbraha Lambardar i.e. Mohinder Singh (son of petitioner), I find no illegality or perversity in the impugned

orders, whereby the petitioner has been removed from the post of Lambardar.

7. In view of the above, I find no merit in the instant civil writ petition and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

28.05.2025
sjks

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