



CWP-17441-2023 (O&M)

-1-

207

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

CWP-17441-2023 (O&M)
Date of Decision: 24.07.2025

Sukhdarshan Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Dushyant Joy, Advocate for
Mr. A.P.S. Gill, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. N.S. Dandiwal, Advocate
for respondent No.4.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 27.04.2018 (Annexure P-3) passed by the learned Commissioner, Ferozepur Division, Ferozepur and order dated 29.05.2023 (Annexure P-7) passed by the learned Financial Commissioner, Punjab.

2. Briefly, on demise of Sh. Basant Singh, previous *lambardar* of Village Talwandi Bhangerian, Tehsil and District Moga, proceedings were initiated for filling up the vacancy; wherein the petitioner- Sukhdarshan Singh as well as respondents No.5 and 6 were the candidates.

2.1 The learned Collector, Moga vide order dated 13.07.2016

**CWP-17441-2023 (O&M)****-2-**

(Annexure P-1), appointed the petitioner- Sukhdarshan Singh as the *lambardar* of Village Talwandi Bhangarian.

2.2 The aforesaid Collector's order came to be challenged by respondent No.4- Gurtej Singh, respondent No.5- Harjinder Singh and respondent No.6- Kewal Singh by filing their separate appeals before the learned Commissioner, Ferozepur Division, Ferozepur and all the aforesaid three appeals came to be decided by the learned Commissioner, Ferozepur Division, Ferozepur vide a common order dated 27.04.2018 (Annexure P-3), whereby the Collector's order dated 13.07.2016 (Annexure P-1) was set aside and the matter was remanded to the learned Collector, Moga for deciding afresh.

2.3 Feeling dis-satisfied with order dated 27.04.2018 (Annexure P-3), the petitioner- Sukhdarshan Singh preferred a revision petition (ROR-335-2018) before the learned Financial Commissioner (Appeals), Punjab, however, the same was dismissed vide order dated 29.05.2023 (Annexure P-7).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for the reliefs as noticed above.

4. Heard.

5. In the instant case, the learned Collector, Moga had appointed the petitioner- Sukhdarshan Singh as the *lambardar*, however, on appeals being filed by respondents No.4 to 6, the learned Commissioner, Ferozepur Division, Ferozepur vide order dated 27.04.2018 (Annexure P-3) set aside the Collector's order and remanded the matter to learned Collector for fresh decision by observing as under:

“8. I have given my thoughtful consideration to the argument advanced by the counsel for the parties and perused the



record of the case. According to Naqsha Lambardari, the appellant-Harjinder Singh is 42 years old, has passed 10+2 examination and is owner of 51 Kanals 6 Marlas of land. The appellant-Kewal Singh is aged 45 years, has studied up to 7th standard and is owner of 4 Kanals 12 Marlas of land. The counsel for the appellant Gurtej Singh has contended that Gurtej Singh is 26 years of age, is holder of a GNM diploma and is owner of 4 Kanals of land from his father whereas the respondent-Sukhdarshan Singh is 39 years old, is owner of 2 Kanals of land in the village and has studied up to 10+2 standard. The appellant-Harjinder Singh was ignored by the Distt. Collector on the ground that he has encroached upon the land of Irrigation Department but as per Demarcation Report dated 7.9.2013 and subsequent report of the Patwari Halqa dated 16.4.2014, the appellant-Harjinder Singh is not in unauthorized possession of land belonging to the Irrigation Department. The appellant-Kewal Singh was ignored on the ground that he is less educated than the respondent-Sukhdarshan Singh and could not reply the question in proper manner, put to him by the Distt. Collector. The appellant-Kewal Singh is owner of 4 Kanals 12 Marlas of land whereas the respondent-Sukhdarshan Singh is owner of only 2 Kanals of land. The land holding is an important factor to be considered in the matter of appointment to the post of Lambardar. Moreover, there is no record of interview conducted by the Distt. Collector in the lower court file. There is also no evidence in the record to prove that respondent before appointment as Lambardar was having experience of working as Lambardar. Therefore, I accept all the three appeals, set aside the impugned order dated 13.7.2016 and remand the case to the Distt. Collector, Moga, for fresh decision after hearing the three appellants and the respondent and making comparative study of merits and demerits of all the candidates. The parties have been directed to appear in the lower court on 24.5.2018 for further proceedings. A copy of this order be placed in all the connected



CWP-17441-2023 (O&M)

-4-

cases.

***Place: Ferozepur.
Dated: 27.4.2018.***

***Commissioner, Ferozepur Division,
Ferozepur.”***

6. The learned Commissioner's order dated 27.04.2018 (Annexure P-3) has been further affirmed by the learned Financial Commissioner, Punjab.

7. A perusal of the observations made by the learned Commissioner would show that the matter has been remanded with a specific direction to the learned Collector, Moga for considering the comparative merits and de merits of all the candidates as the candidature of respondent No.5- Harjinder Singh was ignored by the learned Collector, Moga primarily on the allegation that he had encroached upon some land of the Irrigation Department, however, there was a Demarcation Report dated 07.09.2013 and also a report of the Halqa Patwari dated 16.04.2014 indicating that respondent No.5- Harjinder Singh was not in unauthorized possession of any land belonging to the Irrigation Department.

8. It has further been observed that the other candidates were owning more land holding than the petitioner- Sukhdarshan Singh and also that there was no material on record to indicate that the petitioner- Sukhdarshan Singh has any experience of working as *lambardar*.

9. Considering the aforesaid aspect, the learned Commissioner, Ferozepur Division, Ferozepur came to the conclusion that the matter required a re-look by the learned Collector, Moga and accordingly remanded the matter back. The said order has been further affirmed by the learned Financial Commissioner, Punjab vide its order dated 29.05.2023 (Annexure P-7).

10. I have also gone through the orders passed by the learned



CWP-17441-2023 (O&M)

-5-

Commissioner, Ferozepur Division, Ferozepur as well as by the learned Financial Commissioner, Punjab and upon considering the same, I am also of the view that the comparative merits and de merits of the candidates require a re-look at the hands of learned Collector, Moga, so that a suitable candidate is appointed as the *lambardar* to discharge the functions/duties of the *lambardar*.

11. Considering the totality of the circumstances, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is accordingly, dismissed. However, since the vacancy in question arose in the year 2007 upon demise of the previous *lambardar*, I deem it appropriate to direct that the proceedings regarding appointment of *lambardar* be finalized by the learned Collector, Moga within a period of four months from the date of appearance of the parties before the learned Collector, Moga.

12. Parties are directed to appear before the learned Collector, Moga on 30.08.2025.

13. All pending application(s), if any, shall also stand closed.

24.07.2025
Himani

(HARSH BUNGER)
JUDGE

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