



CWP-22772-2021

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

(104)

CWP-22772-2021

Date of decision:- 03.09.2025

Gurcharan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. B.S.Sewak, Advocate, for the petitioner.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab
for respondents No.1 to 6.

Mr. Rai Singh Chauhan, Advocate, and
Mr. Rohit Sapehiya, Advocate, for respondent No.7.

...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed for issuance of a writ in the nature of quo warranto to inquire into the legality of the claim of Lambardari by respondent No.7, and for issuance of a writ in the nature of certiorari for quashing order issued on 05.08.2019, Annexure P-4. Another prayer has been made for issuance of a writ in the nature of mandamus directing respondent No.1 to conduct an inquiry into the preparation of a fake Sanad and tampering with the official record pertaining to the appointment of Lambardar in village Chapparchiri Khurd, District S.A.S. Nagar.



2. Counsel for the petitioner submits that petitioner's father, Man Singh was appointed as a Lambardar in Pakistan and after partition, he was appointed as Lambardar of village Chaparchiri Khurd, and worked as such till his death on 04.04.1976. He states that for some time, Piara Singh, father of respondent No.7, served as an acting Lambardar, but he expired in 1978, and thereafter no one was appointed as a Lambardar, as is evident from Annexure P-2. Counsel asserts that after the death of Piara Singh, respondent No.7, started functioning as Sarbara Lambardar without any authority. He submits that the petitioner submitted an application, Annexure P-1, for appointment as Lambardar, which was not considered, and he gave a complaint dated 05.11.2019 to the Deputy Commissioner, Mohali, to conduct an inquiry into the illegal functioning of respondent No.7. Counsel emphasizes that a one sided enquiry was conducted and petitioner received intimation vide impugned letter dated 05.08.2019, Annexure P-4, that his complaint is false and baseless. Counsel emphasizes that petitioner was informed that applications were called for filling of the post of Lambardar and only one application was received and respondent No.7 was recommended for appointment. Counsel contends that order dated 30.04.1992, Annexure P-5, appointing respondent No.7 as Lambardar, was passed on basis of fake sanad.

3. Upon notice, writ petition has been contested by the respondents by filing separate replies. In their response filed on behalf of official respondents No.1, 2 among 4 and 5, it has been submitted that respondent No.7 has been appointed after due process and various stages of the appointment have been referred to. It has been submitted that the complaint given by the petitioner was

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duly enquired into and as no substance was found in the allegation levelled by the petitioner, complaint was filed, and intimation was sent to him vide letter, Annexure P-4. In the separate written statement filed by respondent No.7, has been stated that the petitioner has a remedy by filing an appeal under Sections 13 and 16 of the Punjab Land Revenue Act, 1887, assailing the orders passed by the Collector, Roopnagar, which he has not availed. The locus of the petitioner to file the writ petition has also been questioned. Defending his appointment, respondent No.7 has stated that he has experience of working as Sarbara Lambardar on behalf of Man Singh, the previous Lambardar, and is well-conversant with functions of a Lambardar, which are duly prescribed under the Punjab Land Revenue Act, 1887. It has been submitted that the private respondent is well educated and the most suitable person for the post of Lambardar.

4. I have heard counsel for the parties and considered their respective submissions.

5. A perusal of the stand taken by the official respondents in their response shows that vide order dated 06.12.1990, Annexure R-1, permission was granted by the Collector to start the process of filling up the post of Lambardar. A proclamation dated 03.06.1991, Annexure R-2, was issued and a Munadi, Annexure R-3, was conducted. Application submitted by respondent No.7, who is supported by the Sarpanch of the village, was considered, noticing that respondent No.7 had a good character, was educated and owned more than 36 bigha of land and was doing Lambardari work for 15 years, his name was recommended by the Naib Tehsildar, Kharar and the Tehsildar, Kharar on

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08.01.1992 and 25.03.1992, Annexures R-4 and R-5, respectively. By order dated 30.04.1992, Annexure P-5, the SDM, Kharar, appointed respondent No.7 as a Lambardar of village Chhapparchiri Khurd, under Punjab Land Administration Manual and Sanad Lambardari was issued by the Collector on 31.03.1993, Annexure R-6.

6. A perusal of the stand taken by the official respondents shows that the due process was followed for appointment of respondent No.7 as a Lamberdar. No replication has been filed by the petitioner to the written statement filed by the official respondents. No material could be brought to the notice of this Court to point out any irregularity or illegality in the appointment and allegation of forgery of documents could not be substantiated. This Court, therefore, does not find any reason to interfere with the impunged orders.

7. There is no merit in the writ petition, which is dismissed, though with no order as to cost.

(SUVIR SEHGAL)
JUDGE

03.09.2025

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No