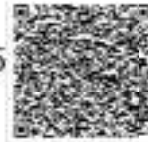


2025:PHHC:116725



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

**CWP-22969-2025 (O&M)
Date of Decision: 15.10.2025**

Jasvir Singh @ Jasveer Singh

..... Petitioner

Versus

Financial Commissioner, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. S.S. Salar, Advocate
for the applicant/petitioner.

Ms. Pratibha Bali, AAG, Punjab.

HARSH BUNGER J. (ORAL)

CM-12711-CWP-2025:

Prayer in the present application is for placing on record the Mutation No.2255 (Annexure P-13).

For the reasons mentioned in the application, the Mutation No.2255 (Annexure E 13) is taken on record, subject to all just exceptions.

CWP-22969-2025:

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 21.09.2021 (Annexure P-2) passed by the learned Collector, Patiala, whereby respondent No.4 – Gurmukh Singh has been appointed as Lambardar of Village Bhari

Panechan.

1.1 A further prayer has been made for setting aside order dated 24.08.2023 (Annexure P-8) passed by the learned Financial Commissioner, Punjab, whereby the appeal (ROA-32-2022) filed by respondent No.4 against the Divisional Commissioner's order dated 23.05.2022 (Annexure P-4) was allowed, and the Collector's order dated 21.09.2021 (Annexure P-2) was restored.

1.2 Another prayer has been made for setting aside order dated 12.12.2024 (Annexure P-10) passed by the learned Financial Commissioner, Punjab, whereby the review application filed by the petitioner seeking review of order dated 24.08.2023 (Annexure P-8), was dismissed.

2. Briefly, upon demise of Sh. Nachattar Singh, previous Lambardar (General Category) of Village Bhari Panechan, Tehsil Nabha, District Patiala, proceedings for filling up the said vacancy were initiated, whereupon petitioner (Jasvir Singh @ Jasveer Singh) and respondent No.4 (Gurmukh Singh) also applied for the said vacancy.

2.1 The learned Naib Tehsildar, Bhadson, as well as the learned Sub Divisional Magistrate, Nabha, recommended the candidature of respondent No.4 for the said post, and the matter was forwarded to the learned Collector, Patiala.

2.2 The learned Collector, Patiala, upon considering the relative merits and demerits of all the candidates, appointed respondent No.4 (Gurmukh Singh) as Lambardar of Village Bhari Panechan, vide order dated 21.09.2021 (Annexure P-2).

2.3 Feeling aggrieved against the aforesaid order dated 21.09.2021 (Annexure P-2), petitioner preferred an appeal before the learned Divisional Commissioner, Patiala, which was allowed vide order dated 23.05.2022

(Annexure P-4), and the petitioner was appointed as the Lambardar of Village Bhari Panechan.

2.4 Being dissatisfied, respondent No.4 filed an appeal (ROA No.32 of 2022), before the learned Financial Commissioner, Punjab, which was allowed vide order dated 24.08.2023 (Annexure P-8), whereby the Divisional Commissioner's order dated 23.05.2022 (Annexure P-4) was set aside and the Collector's order dated 21.09.2021 (Annexure P-2) was restored.

2.5 Thereafter, the petitioner filed a review application before the learned Financial Commissioner, Punjab, seeking review of order dated 24.08.2023 (Annexure P-8), however, the same was dismissed vide order dated 12.12.2024 (Annexure P-10).

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

4. Heard.

5. In the present case, respondent No.4 – Gurmukh Singh was appointed as Lambardar of Village Bhari Panechan by the learned Collector, Patiala, vide order dated 21.09.2021 (Annexure P-2). Although the learned Divisional Commissioner, Patiala, vide order dated 23.05.2022 (Annexure P-4), set aside the said appointment of respondent No.4 and appointed the petitioner as Lambardar; however, the learned Financial Commissioner, Punjab, vide order dated 24.08.2023 (Annexure P-8), allowed the appeal filed by respondent No.4 and restored the Collector's order dated 21.09.2021 (Annexure P-2), by observing as under:-

“5. After considering the submissions made by both the counsels for the parties and perused the record on file. That

*the order passed by the District Collector, Patiala is valid and there is no perversity or illegality in the order, nor there are any procedural defect. The Commissioner, Patiala Division, Patiala vide order dated 23.05.2022 appointed the respondent Jasbir Singh as Lambardar without discussing any demerit of the appellant. The Commissioner has not recorded any material defect in the order passed by the District Collector, Patiala. That the objections raised by respondent regarding the illegal possession of the appellant over the public property, the respondent failed to produce any material evidence regarding illegal possession. This allegation was never raised by the respondent before the Collector and moreover the respondent also fails to prove these allegations before Commissioner. The Commissioner, Patiala Division, Patiala mentioned in his findings that the Ld. District Collector has overlooked some facts of the case, but he has failed to mention the facts, which have been overlooked by the Ld. Collector. The Division Bench of Hon'ble Punjab and Haryana High Court cited in a case titled as **Balwinder Singh V. State of Punjab and others, (P&H) (DB) 2013 (25) R.C.R. (Civil) 436** has held in para 4 as under:-*

“As per the undisputed position of law, the choice of the District Collector is to be honoured, until it suffers from patent illegality, perversity or is violative of any statutory provision. The Commissioner, while setting aside the order of the District Collector, did not point out any patent error or illegality in the order of the District Collector as would justify interference. The Commissioner cannot be permitted to substitute his own perception as to the merits of contesting candidates.”

6. The District Collector, Patiala have evaluated the merits and demerits of both the candidates and only after that, appointed the appellant Gurmukh Singh as new lambardar of the village. As far as merits are concerned the appellant is M.A. pass whereas the respondent is 8th class pass. The age of

*appellant is 31 years and respondent is 63 years of older candidates. The Gram Panchayat of the village has recommended the name of Gurmukh Singh vide resolution dated 14.10.2020 and moreover, the lower revenue officer also recommended his candidate. The appellant is owner of 34 Bigha 6 Biswas of agriculture land. Sanad Lambardar was issued to him on 07.12.2021. Keeping in view, I am in agreement with the pleadings and citations submitted by the Counsel for the appellant. The choice of the District Collector cannot be set aside unless there is some patent illegality. There should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. It is only the prerogative of the District Collector to compare the merits of the candidates for appointment of the post of Lambardar. The Hon'ble Supreme Court of India in the case of **Mahavir Singh versus Khiali Ram & others reported as 2009(1) RCR (Civil) 757** that "there should not be interference with the choice made by the collector in the appointment of lambardar, even if two view are possible. It is only the prerogative of the collector to compare the merits of the candidates for appointment to the post of lambardar". In this case the Commissioner, Patiala Division has exceeded his jurisdiction and usurped the authority of District Collector, Patiala while appointing the respondent as Lambardar that too, without assigning any cogent reasons.*

7. It is clear that in instant case the District Collector, being an appointing authority, had rightly appointed the appellant Gurmukh Singh as new Lambardar of the village after considering inter-se merits of the candidates. Accordingly, in view of the above discussion, the appeal is accepted. The order dated 23.05.2022 passed by the Commissioner, Patiala Division, Patiala is set aside and the order dated 21.06.2021 passed by the District Collector, Patiala is upheld and restored."

6. Subsequently, a review application filed by the petitioner

against the aforesaid order dated 24.08.2023 (Annexure P-8) was also dismissed by the learned Financial Commissioner, Punjab, vide order dated 12.12.2024 (Annexure P-10).

7. From a perusal of the above extracted order dated 24.08.2023 (Annexure P-8) passed by the learned Financial Commissioner, Punjab, it would be evident that respondent No.4 is more meritorious than the petitioner, inasmuch as he is younger in age, better educated and his candidature was also recommended by the lower revenue authorities. Furthermore, the learned Collector, upon due consideration, found respondent No.4 to be the most suitable candidate, and accordingly, appointed him as Lambardar.

8. It is well settled law that in the matter of appointment of Lambardar, the choice of learned Collector is not to be lightly interfered with, even if two views are possible, unless there is any patent illegality or perversity therein. In this regard, reference can be made to a recent judgment dated 09.07.2025 passed by a Division Bench of this Court in *LPA No.2217 of 2024* titled as “**Murti Devi Vs. State of Haryana & Ors.**”, wherein it has been observed as under:

*“8. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed out therein. Interference is also not called for only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in **Neeraj Kumar Vs. State of Haryana and others, 2013 (4) RCR (Civil) and Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325.**”*

9. As regards the allegation of illegal possession of respondent

No.4 on panchayat land, suffice it to say that there is no material on record to substantiate the said plea, accordingly, the same is rejected.

10. Considering the totality of circumstances, I do not find any illegality or perversity in the Collector's order dated 21.09.2021 (Annexure P-2), whereby respondent No.4 – Gurmukh Singh was appointed as Lambardar of Village Bhari Panechan. Further, the learned Financial Commissioner, Punjab, vide order dated 24.08.2023 (Annexure P-8), has rightly set aside the order dated 23.05.2022 (Annexure P-4) passed by the learned Commissioner, Patiala Division, Patiala, and the same is in consonance with law. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

15.10.2025*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No