

148

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27639-2025 (O/M)

Date of decision : 06.11.2025

Surmukh Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. G.S. Bains, Advocate
for applicant-petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

CM-16094-CWP-2025

1. This is an application filed under Section 151 CPC for placing on certain documents as Annexure P-10 to Annexure P-12.

For the reasons mentioned in application, same is allowed and certain documents (Annexure P-10 to Annexure P-12) are taken on record subject to all just exceptions.

Application is accordingly disposed of.

CWP-27639-2025

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 05.12.2022 (Annexure P-3), passed by learned District Collector, Rupnagar (in short 'Collector'); order dated 26.05.2023 (Annexure P-5), passed by learned

Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') and order dated 16.05.2024 (Annexure P-1), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, petitioner (Surmukh Singh) was appointed to the post of Lambardar of village Saifapur, Tehsil and District Rupnagar. It appears that during hearing of one disputed mutation No. 1005 of village Saifapur, it was found by Sub Divisional Magistrate, Rupnagar that the petitioner in the capacity of Lambardar had wrongly attested the kursinama (pedigree table) of Saudagar Singh, wherein the name of one of the sons, namely, Harpreet Singh was omitted. The said matter was brought to the notice of learned Collector, who issued a show cause notice to the petitioner and after affording due opportunity of hearing to the petitioner, learned Collector, vide order dated 05.12.2022 (Annexure P-3), dismissed the petitioner from the post of Lambardar.

2.1 Feeling aggrieved against learned Collector's order, petitioner preferred an appeal before learned Divisional Commissioner, however, same was dismissed, vide order dated 26.05.2023 (Annexure P-2).

2.2 Still aggrieved, petitioner preferred a revision petition (ROR-1087-2023) before learned Financial Commissioner, which has also been dismissed, vide order dated 16.05.2024 (Annexure P-1).

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

4. Heard.

5. Evidently, Saudagar Singh had two sons, namely, Harpreet Singh and Mandhir Singh, however, the petitioner acting as Lambardar had attested wrong pedigree table (kursinama) of Shri Saudagar Singh, wherein Mandhir Singh was shown as the only son of Saudagar Singh.

5.1 Considering the matter, learned Collector after affording due opportunity of hearing to the petitioner, dismissed him from the post of Lambardar and which order has been further affirmed by learned Divisional Commissioner. Even learned Financial Commissioner, vide its order dated 16.05.2024 (Annexure P-1), has upheld the dismissal of the petitioner from the post of Lambardar, by observing as under :-

“6. I have heard Ld. Counsel for both the parties, gone through their submissions and have also perused the orders of the courts below. The petitioner, acting as Lambardar, attested the pedigree table based on the registered Will of Saudagar Singh dated 15.09.2020 and the revenue records, which listed Mandhir Singh as the son and Kamaljit Kaur and Harjit Kaur as daughters of Saudagar Singh. However, the petitioner failed to verify the full family details of Saudagar Singh, particularly regarding the claim of Harpreet Singh who alleges to be the son of Saudagar Singh based on an unregistered Will dated 18.08.2024. The omission of Harpreet Singh's name in the pedigree table led to the dispute that was raised before the Assistant Collector 1st Grade, Rupnagar. The Assistant Collector, after considering the objections raised by Harpreet Singh, concluded that he was also the son of Saudagar Singh and reported this to the Deputy Commissioner, Rupnagar. On the basis of these findings, the Deputy Commissioner dismissed the petitioner from the post of Lambardar on 23.12.2022 under Section 16 (ii) (f) of the Punjab Land Revenue Act, citing the failure of the petitioner to perform

his duties properly. The appeal of the petitioner before the Commissioner, Rupnagar, was also dismissed. It is pertinent to note that the validity of the unregistered Will dated 18.08.2024 and the claim of Harpreet Singh is sub judice before the civil court, with the matter being adjourned sine die pending the civil court's decision. A status quo order was passed by the civil court on 30.11.2022. However, the fact remains that the petitioner did not verify the family details in relation to Harpreet Singh's claim, and this failure to perform his duty as Lambardar led to the inaccuracy in the pedigree table. The argument of the petitioner that he acted in good faith is insufficient to excuse his omission, as it is the responsibility of the Lambardar to ensure the accuracy of the family records, especially in cases where claims are made by other individuals, as seen in this case. The long service of the petitioner as Lambardar does not override the fact that his actions resulted in a significant error in the official records, which is a serious lapse in duty.

7. Therefore, keeping in view the aforesaid facts and circumstances of the case, I dismiss the present revision petition and the orders dated 26.05.2023 passed by the Commissioner, Rupnagar Division, Rupnagar as well as order dated 05.12.2022 passed by District Collector, Rupnagar are hereby upheld. Copy of this order be communicated to the courts below. Record of the lower courts also be returned back. File be consigned to the record room.”

6. Considering the aforementioned facts and circumstances, I am of the considered opinion that the order passed by the learned Collector, which has been further upheld by learned Divisional Commissioner as well as learned Financial Commissioner, does not call for any interference. The petitioner, as Lambardar, was required to ensure

correct verification of the Kursinama (pedigree table/family tree) relating to the legal heirs of the deceased-Saudagar Singh. The omission of one son, Harpreet Singh, in the mutation proceedings is not a minor lapse. The office of Lambardar is based on trust and confidence of the village community. A person whose conduct creates doubt or suspicion cannot command the necessary respect and regard of the residents. Without such confidence, the petitioner cannot effectively discharge the duties attached to the post of Lambardar.

7. In this view of the matter, I do not find any merit in this civil writ petition and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

06.11.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No