

162 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8935-2026 (O/M)

Date of decision : 24.03.2026

Bhajan Lal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vivek Sharma, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

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HARSH BUNGER, J. (ORAL)

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 the order dated 09.09.2024 (Annexure P-6), passed by learned Collector, Rupnagar (in short 'Collector'), whereby respondent No. 5 (Sohan Singh) has been appointed as Lambardar of village Savhara, Tehsil Sri Anandpur Sahib, District Rupnagar.

1.1 A further prayer has been made for setting aside order dated 20.11.2025 (Annexure P-10), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'), whereby the order dated 25.07.2025 (Annexure P-7), passed by learned Commissioner, Rupnagar Division, Rupnagar (in short 'Divisional Commissioner') has been set aside and learned Collector's order dated 09.09.2024 (Annexure P-6), has been upheld.

2. Briefly, on demise of Shri Amar Singh, previous Lambardar of village Savhara, proceedings were initiated for filling up the aforesaid vacancy, wherein petitioner (Bhajan Lal) and respondent No. 5 (Sohan Singh) were also the candidates.

2.1 It appears that in the first round of litigation, the matter came up before this Court in CWP-4241-2017, filed by respondent No. 5 (Sohan Singh); whereupon this Court, vide order dated 28.11.2023 (Annexure P-4), set aside the orders passed by learned Collector as well as learned appellate and revisional authorities and matter was remanded to learned Collector for deciding the matter afresh.

2.2 Upon remand, learned Collector, vide order dated 09.09.2024 (Annexure P-6), appointed respondent No. 5 (Sohan Singh) as Lambardar by observing as under :-

“In respect of these objections and in respect of the objections raised by both the parties against each other in this Court, they were given full opportunity of hearing. Thereafter it has been found that at the time of giving the application, the age of the candidate Sh. Bhajan Lal was 36 years and now his age is 50 years. He is ninth pass. He has four and half acres of land, whereas at the time of giving the application, the age of the candidate Sh. Sohan Singh was 27 years and now his age is 40 years, i.e. less than other candidate. He is B.P. Ed. pass, i.e. more educated than the other candidate. He has 20 acres of land, i.e. more land than the other candidate. One candidate has withdrawn his application in his support. No case is registered against him. He teaches sports to the children of the village free of cost. Thus, in the merit, the candidate Sh. Sohan Singh is more eligible candidate than the other candidate. In the light of these facts, while considering the candidate Sh. Sohan Singh son of Sh. Harbhajan Singh as an eligible and intelligent

candidate, he is appointed as the new Numberdar of village Swahara, H.B. No.275, Tehsil Sri Anandpur Sahib, District Rupnagar, in place of the deceased Numberdar Sh. Amar Singh son of Sh. Gurmukh Singh. The file be consigned to the record room after due compliance. The order has been pronounced.”

2.3 Feeling aggrieved against learned Collector's order, petitioner (Bhajan Lal) preferred an appeal before learned Divisional Commissioner; however, the same was allowed, vide order dated 25.07.2025 (Annexure P-7); whereby learned Collector's order was set aside and the matter was remanded to learned Collector for deciding the same afresh.

2.4 Feeling aggrieved against learned Divisional Commissioner's dated 25.07.2025 (Annexure P-7), respondent No. 5 (Sohan Singh) preferred an appeal before learned Financial Commissioner, which has been allowed, vide impugned order dated 20.11.2025 (Annexure P-10), whereby order passed by learned Divisional Commissioner has been set aside and learned Collector's order dated 09.09.2024 (Annexure P-6), appointing respondent No. 5 (Sohan Singh) as Lambardar, has been upheld.

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

4. Heard.

5. Learned Financial Commissioner, while upholding learned Collector's order, appointing respondent No. 5 (Sohan Singh) as Lambardar has held 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. From perusal of the file, I find that the District Collector had complied with the direction for fresh independent assessment as the status report on record confirmed that the certificate earlier relied upon by the respondent had already been held invalid on 19.12.2012. The District Collector had further assessed suitability as per law by examining age, education, conduct, land holding and public acceptability which are recognised as relevant for lambardari. The appellant aged 30 years, is more educated as 10 plus 2 and B.P Ed pass with 20 acres land; had a comparative advantage over the respondent who is 36 years of age, is matric pass with 4.5 acres land particularly when FIR No. 28 dated 04.04.2013 under sections 341, 283 IPC at PS Nurpur Bedi had remained a factor which as per law retains a negative effect in matters of lambardari even after cancellation dated 12.01.2015 as held in 2009 (4) RCR Civil page 808 and 2006(3) RCR Civil page 313. Choice of the Collector in the matter of appointment of village Lambardar should not normally be interfered with, unless the Collector has taken a perverse view and has not exercised his choice judiciously. The Collector being the head of the administration at basic level, is best placed to judge the suitability of a candidate as he directly interacts with the candidates at the time of appointment of lambardar. After considering the relevant documents and factual background the District Collector had recorded proper reasons for preferring the appellant while on the other hand the Divisional Commissioner while passing the order dated 25.07.2025 did not examine these findings did not consider the effect of the invalid certificate or the effect of FIR No. 28 dated 04.04.2013 did not consider comparative merit suitability or the relevance of the Hon'ble High Court directions dated 28.11.2023 and instead remanded the

matter without any reason sufficient to unsettle the Collector order. Such interference with a detailed and reasoned order passed after compliance with directions of the Hon'ble High Court was not as per law particularly when the dispute has remained pending since 27.11.2010 without requirement of another remand. Therefore, after considering the entire record, it is held that the District Collector, Rupnagar vide order dated 09.09.2024 rightly appointed the appellant as lambardar.

7. Therefore, keeping in view the aforesaid facts and circumstances of the case, I accept the present appeal. The order dated 25.07.2025 passed by the Commissioner, Rupnagar Division, Rupnagar is hereby set aside and the order dated 09.09.2024 passed by the District Collector, Rupnagar vide which the appellant was appointed as the Lambardar is hereby upheld. Copy of this order be communicated to the courts below. File be consigned to the record room."

5.1 From a perusal of observations made by learned Financial Commissioner, it is apparent that respondent No. 5 (Sohan Singh) was found to be more meritorious than present petitioner (Bhajan Lal) inasmuch as respondent No. 5 is younger in age and more educated than petitioner herein. That apart, there was a case FIR No. 28, dated 04.04.2013 registered against petitioner. Learned Financial Commissioner has passed the order in consonance with well established position that in the matter of appointment of Lambardar, the choice of Collector cannot be lightly interfered until there is patent illegality or perversity. Learned Financial Commissioner has observed that learned Divisional Commissioner had set aside learned Collector's order without any sufficient reason.

5.2 I have also gone through the order passed by learned Divisional Commissioner and indeed, there was no occasion for learned Divisional Commissioner to set aside learned Collector's order and remand the matter to learned Collector for fresh decision.

6. At this stage, learned counsel for petitioner submits that respondent No. 5 (Sohan Singh) is in unauthorized possession of gram panchayat land and in this regard, he has referred to eviction petition (Annexure P-5), filed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. From a perusal of aforesaid eviction petition, it is not forthcoming as to on which date, this petition was filed and what is the present day status of aforesaid eviction petition. Even the revenue record in respect of land regarding which eviction petition (Annexure P-5) has been filed, is not forthcoming. That apart, respondent No. 5 (Sohan Singh) is not impleaded as a party in the said eviction petition. Learned counsel for petitioner contends that Harbhajan Singh, father of respondent No. 5 (Sohan Singh) is impleaded as a party therein.

7. In my considered view, since respondent No. 5 is not a party in the so-called eviction petition nor status of the said eviction petition has been brought on record, therefore, no cognizance of same can be taken by this Court on mere bald plea of petitioner (Bhajan Lal) that family member of respondent No. 5 (Sohan Singh) is in unauthorized possession of panchayat land.

8. Considering the totality of circumstances, I am of considered view that learned Financial Commissioner has rightly set aside order dated 25.07.2025 (Annexure P-7), passed by learned Divisional Commissioner and further restored learned Collector's order

dated 09.09.2024 (Annexure P-6), appointing respondent No. 5 (Sohan Singh) as Lambardar of village Savhara.

9. Resultantly, the instant civil writ petition fails and same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

24.03.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No