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[237] **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-20140-2020

Date of Decision :24.04.2026

GAURAV ANEJA

....Petitioner(s)

VERSUS

FINANCIAL COMMISSIONER (APPEALS), PUNJAB & ANOTHER

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Akash Manocha, Advocate and
Ms. Lishika Mehta, Advocate for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

Mr. Navdeep Jatu, Advocate and
Mr. Sunny K. Singla, Advocate for the respondent.

HARSH BUNGER J. (Oral)

Petition herein is, *inter alia*, seeking a writ in the nature of certiorari for setting aside the order dated 25.02.2020(Annexure P-8) passed by the learned Financial Commissioner (Appeals), Punjab, and also the order dated 12.11.2014 (Annexure P-6) passed by the learned Commissioner, Patiala Division, Patiala.

2. Briefly stated, on demise of Sh. Ram Singh, previous Lambardar of Village Akbarpur alias Murad Majra, proceedings were initiated for filling up the aforesaid vacancy; wherein the present petitioner-Gaurav Aneja and respondent No.2-Harvinder Singh were also the candidates.

3. The learned Collector, Patiala vide order dated 26.08.2014 (Annexure P-4), appointed the present petitioner as the Lambardar.

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3.1 Feeling aggrieved against the order of the learned Collector, Respondent No.2-Harvinder Singh filed an appeal before the learned Commissioner, Patiala Division, Patiala, who vide order dated 12.11.2014 (Annexure P-6); set aside the order of the Collector and appointed respondent No.2-Harvinder Singh, as the *Lambardar* of the Village by observing as under:-

“I have heard all the counsels and have also gone through the order dated 26-8-2014 passed by District Collector, Patiala. In this case the Collector has appointed the present respondent as Lambardar of the village. The appellants are alleging that the respondent is not resident of village Murad Majra rather is resident of Patiala city and to prove this fact they have produced copy of Adhaar card, voting list of year 2014 of city Patiala and report dated 3-7-2014 issued by FCI department mentioning that no ration card has been issued in the name of Gaurve Aneja of village Murad Majra. The documentary evidence produced by appellants clearly prove that the respondent is not residing in village Murad Majra rather is residing in Patiala city and as such the respondent cannot be available for the villagers for their daily needs whereas in Lambardari cases the accessibility of a candidate is of paramount importance. On the other hand both the appellants are residents of village Murad Majra and are available to the villagers for their daily needs. After considering all the facts of the case, I am of the opinion that the appellant Harvinder Singh is better and more suitable candidate for the post of Lambardar as he is 40 years old, has studied up to 12th class, owns sufficient land for the security of 'Zare Bharat' and nothing is adverse against his candidature. Thus the appeal filed by Sham Singh is hereby dismissed. However the appeal filed by Harvinder Singh son of Jit Singh is hereby accepted and he is ordered to be appointed as Lambardar of village Akbarpur @ Murad Majra, Tehsil and District Patiala.”

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3.2. Feeling dissatisfied against the learned Commissioner's order, the present petitioner preferred an appeal (ROA No.61/2015) before the learned Financial Commissioner (Appeals), Punjab, which has also been dismissed vide order dated 25.02.2020 (Annexure P-8) by observing as under:-

"I have heard the counsel for both the parties, perused the written arguments, orders and records of the lower courts. It is proved on record, as mentioned by the Commissioner, in his order dated 12.11.2014 that no ration card has been issued in the name of appellant Gaurav Aneja for village Murad Majra, issued by the Food & Supply department, which clearly shows that the appellant is not the resident of village Murad Majra. He is residing in Patiala City and as such cannot be available to the villagers for their day-to-day work, whereas the accessibility of a candidate is of paramount importance.

Accordingly, I do not find to interfere with the order passed by the Commissioner, Patiala Division, Patiala. The appeal is dismissed being devoid of merits. The order of Commissioner, Patiala Division, Patiala is upheld."

4. In the aforesaid circumstances, the present writ petition has been filed before this Court for seeking relief as noticed hereinabove.

5. I have heard learned counsel for the respective parties and perused the paper-book with their able assistance.

6. A perusal of Collector's order would show that the petitioner was appointed as Lambardar by primarily taking into consideration three factors; firstly, that the present petitioner has studied up to B.A., secondly that petitioner has hereditary claim over the said post and thirdly that the candidature of the petitioner has been recommended by the lower revenue authorities for appointment to the said post.

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7. Evidently, learned Collector while appointing petitioner as Lambardar has categorically mentioned that petitioner is B.A. Pass; however, during the course of hearing of this petition, learned counsel appearing for the petitioner has stated that learned Collector has wrongly recorded his educational qualification as “B.A. Pass” whereas he had studied only up to 10+2. If the aforesaid statement made by learned counsel appearing on behalf of the petitioner is to be accepted, then it would be apparent from a bare reading of para no. 2(h) of the present writ petition that petitioner has misrepresented before this Court while preparing a comparative chart of merits and demerits of contesting candidates, wherein again the qualification of the petitioner is reflected as ‘B.A Pass’. Therefore, the conduct of the petitioner cannot be considered to be above board.

8. Furthermore, the learned Collector, had preferred the petitioner, also on the ground that he is the son of the deceased Lambardar. It is well settled that in the matter of appointment of *Lambardar*, hereditary claim has already been declared ultra vires the Constitution of India by a Division Bench of this Court in the case of “*Karnail Singh Vs. The State of Haryana etc.*” 1973 PLJ 676.

9. Still further, another factor which weighed with learned Collector while appointing the petitioner as Lambardar was that the lower revenue officers had recommended his name. In my considered view, recommendation by lower revenue officer is not binding on learned Collector and he is required to apply his own judicious mind in appointing a suitable candidate as Lambardar.

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10. Apparently, learned Collector had appointed petitioner as Lambardar while considering above referred three factors, which did not merit any consideration for the reasons noted above.

11. Although, the learned Collector had appointed the petitioner as '*Lambardar*', however, on an appeal being filed by respondent No.2, learned Commissioner, had appointed respondent No.2-Harvinder Singh as a Lambardar; who at the relevant time, was aged about 40 years, studied up to 10+2 and having land to the extent of 20 Kanal 01 Marla in the Village.

11.1 While appointing respondent No.2 as a *Lambardar*, learned Commissioner, Patiala Division, Patiala, had also recorded a finding that the present petitioner is not the resident of Village Murad Majra, and rather he was a resident of Patiala City. Accordingly, learned Commissioner observed that the petitioner would not be readily available to the villagers for their daily needs, whereas in Lambardari cases the availability of a candidate in the village is of paramount importance.

11.2 A perusal of the order sheets in this matter would show that vide an order dated 14.12.2020 passed by a Coordinate Bench of this Court, a report was sought from the learned Deputy Commissioner, Patiala, by directing him to conduct a fact finding inquiry regarding the place of residence of the present petitioner-Gaurav Aneja. In compliance of the said order, a report dated 09.02.2021 has already been placed on record. The relevant extract of the said report reads as under:-

“During the above noted enquiry, whatever documents have been produced regarding residence of Sh. Gaurav Aneja, the details of the same is as under:-

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<i>Sr. No.</i>	<i>Details of proof</i>	<i>Date of apply</i>	<i>Date of Issuances</i>
1.	<i>The Mashingan Multipurpose Co-operative Bank Branch, Mashingan.</i>	<i>10.09.2013</i>	<i>10.09.2013</i>
2.	<i>Electricity Connection No.P26SG281492P</i>	<i>17.02.2014</i>	<i>26.02.2014</i>
3.	<i>Copy No.190846 of Gas Cylinder</i>	<i>Nil</i>	<i>08.04.2015</i>
4.	<i>Passport No.R-9444909</i>	<i>Nil</i>	<i>15.02.2018</i>
5.	<i>Voter Card No.UKH2093185 Voter list.</i>	<i>Nil</i>	<i>08.05.2015</i>
6.	<i>Residential proof (Residence Certificate)</i>	<i>Nil</i>	<i>21.12.2020</i>
7.	<i>Aadhar Card No.8124 6676 8784</i>	<i>Nil</i>	<i>Nil</i>

All the above noted documents, which have been received during enquiry, all these documents have been issued after starting Nambardari case on 05-08-2013. Apart from this the report received from Tehsildar, Dudhan Sadhan, it has been mentioned in it that as per Voter Card correctable on 01-01-2014 that residence of Gaurav Aneja son of Ram Sarup is at Mohalla Roop Chand (Darshani Gate), Patiala. Apart from the above, the writing produced by the present Panchayat, it has been mentioned that the Panchayat of the village passed resolution on dated 22-01-2014 in the year 2014, from the above noted entire enquiry it has been found that all the residential proof of Gaurav Aneja of village Akbarpur @ Muradmajra has been issued after starting Nambardari case of village Akbarpur Muradmajra. Report is submitted for your kind perusal.”

11.3 From a perusal of the report, it is apparent that the petitioner-
Gaurav Aneja, is a resident of Patiala City and that other proofs submitted by

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him of Village Akbarpur alias Murad Majra, have been issued only after the starting of Lambardari proceedings.

12. In my considered view, the availability of a candidate/person in the village is of paramount importance for appointing any person as Lambardar. In case a candidate is not readily available in the village then even his better merits are of no consequence. Similar view was taken by this Court in *“Gurinder Singh Vs. State of Punjab and others” 2015(3) RCR (Civil) 1041.*

13. Considering the totality of circumstances of the present case; I see no compelling reason which may warrant interference by this Court in the present proceedings. Resultantly, instant writ petition fails and the same is accordingly dismissed

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

24.04.2026
Anjal

(HARSH BUNGER)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No