

2026.FHC:050669



241

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

**CWP-4114-2017 (O&M)
Date of Decision: 01.04.2026**

Mohan Lal

..... Petitioner

Versus

Financial Commissioner, Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Manvi Singh, Advocate for
Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Pankaj Mulwani, Senior DAG, Haryana.

Mr. Arun Singla, Advocate
for respondent No.4,

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 18.01.2016 (Annexure P-3) passed by the learned Financial Commissioner, Haryana.

2. Briefly, upon demise of Sh. Bhagat Ram, previous Lambardar (Backward Class) of Village Makhdum Jagdan (Noorwala), Panipat, District Panipat, proceedings for filling up the said vacancy were initiated, wherein petitioner Mohan Lal and respondent No.4 Krishan Lal were also the candidates.

2.1 The learned Collector, Panipat, vide order dated 04.07.2013

(Annexure P-1), appointed respondent No.4 – Krishan Lal as Lambardar of Village Makhdum Jagdan.

2.2 Feeling aggrieved against the aforesaid order dated 04.07.2013 (Annexure P-1), the petitioner preferred an appeal before the learned Divisional Commissioner, Rohtak, which came to be allowed vide order dated 15.11.2013 (Annexure P-2), whereby the Collector's order (Annexure P-1) was set aside and the matter was remanded to the learned Collector, Panipat, with a direction to decide afresh on the basis of the merits and demerits of the candidates.

2.3 Being dissatisfied, respondent No.4 preferred a revision petition (ROR No.245 of 2013-14) before the learned Financial Commissioner, Haryana, which was allowed vide order dated 18.01.2016 (Annexure P-3), whereby the Divisional Commissioner's order (Annexure P-2) was set aside and the Collector's order dated 04.07.2013 (Annexure P-1), appointing respondent No.4 as the Lambardar of Village Makhdum Jagdan, was restored.

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

4. Heard.

5. Apparently, the petitioner was appointed as Lambardar of Village Makhdum Jagdan by the learned Collector, Panipat, vide order dated 04.07.2013 (Annexure P-1), by observing as under:-

“After hearing the counsels of both the parties, I have gone through the case file thoroughly. I have reached at a conclusion that Krishan Lal is more appropriate candidate than Mohan Lal because in support of Krishan Lal 970 people

got recorded their statements whereas in favour of Mohan Lal 447 people got recorded their statements. Krishan Lal has contributed to 9 cases of family planning whereas Mohan Lal has contributed to 8 cases. Nominee Krishan Lal got deposited Rs.95 lacs in various schemes whereas Mohan Lal got deposited Rs.43 lacs only, which clearly indicates that Krishan Lal has better reputation in society. Nominee Krishan Lal is son of Late Bhagat Ram and he was appointed as Sarbara Lambardar. So, he has experience of work of Lambardar. In comparison, Mohan Lal is not a permanent resident of Noorwala because he is enrolled as voter in Gangoha Vidhan Sabha area and in Panipat Gramin Vidhan Sabha. At the time of argument, Ld. Counsel for Mohan Lal submitted that he has moved an application for deletion of his name from U.P. voter list is not found appropriate as Mohan Lal moved application on 10.11.2011, which is after a gap of nine months when the Mishal was opened. Nominee Krishan Lal also has hereditary claim. Thus considering the above facts, Krishan Lal S/o Bhagat Ram R/o Noorwala is appointed as new Lambardar of village Noorwala in place of late Bhagat Ram. Sandh Lambardari be issued. File be consigned to record room after due compliance.”

5.1 A perusal of the above extracted observations would reveal that the learned Collector, Panipat, has failed to consider all the relevant factors envisaged under Rule 15 of the Haryana Land Revenue Rules, while making the appointment of Lambardar.

5.2 Rule 15 of the Haryana Land Revenue Rules reads as under:-

"15. Matters to be considered in first appointments.-- In all first appointments of headman, regard shall be had among other matters to-

(a) ³[his experience as substitute/Sarbarah Lambardar];

(b) extent of property in the estate possessed by the candidate;

(c) services rendered to the State by himself or by his family;

(d) his personal influence, character, ability and freedom from indebtedness;

¹*[(e) the strength and importance of the community from which selection of a headman is to be made;]*

²*[(f) services rendered by himself or by his family in the national movements to secure freedom of India.]*

³*[In case of an ex-headman of an estate or Sub-division thereof in the territory now comprising the State of ⁴[Haryana] who had resigned or was dismissed on account of his participation in a national movement before partition and another headman was appointed in his place, the present incumbent of the post shall be removed irrespective of the provisions of rule 16 and the ex-headman would be appointed in his place if he has not rendered himself unfit for appointment for any of the reasons given in rule 16 except imprisonment for a political offence before 15th August, 1947. In case the ex-headman is no longer alive, a person of his family who would under the rules have been entitled to be headmen if the resignation or dismissal had not intervened, would be appointed as headman. But when no such person exist there would be no need to remove the existing Lambardar.]*

⁵*[(g) services rendered by himself to the community and development programmes;*

(h) he shall be not less than 21 years of age at the time of inviting the application for the appointment of Lambardar;

(i) he should be literate, preferably middle pass.]”

5.3 In my considered view, the learned Collector, Panipat, appears to have been swayed by the fact that respondent No.4 had got recorded statements of 970 persons in his favour, as compared to the petitioner, who had got recorded statements of only 447 persons in his favour.

6. It is well settled that the appointment of a Lambardar is not to be made on the basis of an election, but by way of selection of the most

suitable candidate, keeping in view all the relevant considerations.

7. In the present case, the learned Financial Commissioner, Haryana, has wrongly restored the Collector's order (Annexure P-1), whereby respondent No.4 was appointed as the Lambardar of Village Makhdum Jagdan, as the said appointment is clearly not based upon the considerations envisaged under Rule 15 of the Haryana Land Revenue Rules.

8. Keeping in view the aforesaid facts and circumstances, the order dated 04.07.2013 (Annexure P-1) passed by the learned Collector, Panipat, as well as the order dated 18.01.2016 (Annexure P-3) passed by the learned Financial Commissioner, Haryana, are set aside. The matter is remanded to the learned Collector, Panipat, for a fresh decision after duly considering all the relevant factors as envisaged under Rule 15 of the Haryana Land Revenue Rules.

8.1 The learned Collector, Panipat, shall conclude the aforesaid exercise within a period of four months from the date of appearance of the parties before him, after affording due opportunity of hearing to all concerned parties, in accordance with law, and by passing a speaking order.

8.2 The parties are directed to appear either personally or through their respective counsel(s) before the learned Collector, Panipat, on 23.04.2026 or any other date as may be fixed by the learned Collector.

9. The present writ petition is disposed of in the aforesaid terms.

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

01.04.2026

Apurva

(HARSH BUNGER)
JUDGE