

**(2011) 11 P&H CK 0100**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 17831 of 2011**

Hira Khan @ Gajala

APPELLANT

Vs

Divisional Commissioner, Patiala and others

RESPONDENT

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**Date of Decision :** 18-11-2011

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227  
Penal Code, 1860 (IPC) — Section 148, 149, 323, 452  
Punjab Land Revenue Act, 1887 — Section 3(11)

**Citation :** (2011) 11 P&H CK 0100

**Hon'ble Judges :** Mehinder Singh Sullar, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Mehinder Singh Sullar

1. Having completed all the codal formalities, as envisaged under the provisions of the Punjab Land Revenue Act, 1887 and the Rules framed thereunder (hereinafter to be referred as "the Act and the Relevant Rules"), the District Collector appointed Jamil Mohd. @ Rahimdin son of Kaka Khan (respondent No.3) as Lambardar of the Village Mohammadpura, Tehsil Malerkotla, District Sangrur, by way of impugned order dated 11.06.2009(Annexure P-1).
2. Aggrieved by the order(Annexure P-1), petitioner-Hira Khan @ Gajala widow of Ifjal Ahmed, filed the appeal, which was dismissed as well by the Divisional Commissioner, Patiala Division, Patiala, by virtue of impugned order dated 07.04.2011(Annexure P-3).
3. The petitioner still did not feel satisfied and preferred the present writ petition, challenging the impugned orders(Annexures P-1 and P-3), invoking the provisions of Articles 226/227 of the Constitution of India.
4. After hearing the learned counsel for the petitioner, going through the record with his valuable assistance and after considering the entire matter deeply, to my

mind, there is no merit in the instant writ petition in this respect.

5. Ex facie, the argument of the learned counsel that, since the petitioner was more suitable and meritorious candidate, so, the Collector as well as the Divisional Commissioner, Patiala Division, Patiala, have committed a mistake in appointing respondent No.3 as Lambardar, sans merit.

6. It is not a matter of dispute that the Lambardar is a village officer, as defined u/s 3(11) of the Act and is a link between the Government functionaries and the village peasants. It is age old institution and is an integral & significant part of revenue system. The Collector is the appointing authority of the Lambardar. The appointment of Lambardar is administrative function and is prerogative of the District Collector, being In-charge of the Administration. He is in an advantageous position to examine the merits and demerits of the candidates. Therefore, it would always be in the interest of justice & administration and it is the duty of the Collector to appoint such person in the office of Lambardar, who is otherwise eligible and competent to carry out the duties efficiently.

7. As is evident from the record that, Jamil Mohd. @ Rahimdin (respondent No.3) is a young man of 35 years and 10th Class passed. He can read and write Punjabi. He is owner of 45 Bighas of land. There is nothing on record against him. The S.D.M., Malerkotla also recommended his name. On the contrary, a criminal case was registered against petitioner-Hira Khan @ Gajala, vide FIR No.53 dated 11.5.2007, on accusation of having committed the offences punishable under Sections 452, 323, 148 and 149 IPC, by the police of Police Station Amargarh.

8. The argument of the learned counsel that since, the petitioner has been acquitted from the criminal case, so, she is entitled to be appointed as Lambardar, is not only devoid of merit but misconceived as well. Assuming for the sake of arguments (though not admitted), she may be acquitted, but mere acquittal will not wash away the stigma of registration of a criminal case attached to her, particularly when respondent No.3 has the clean record and is more suitable candidate. Moreover, after considering the respective merits and demerits of the candidates, the District Collector appointed respondent No.3 as Lambardar, by means of impugned order dated 11.06.2009(Annexure P-1), which in substance is as under:

After hearing the arguments by the counsel, applicant and after going through the record, it is found that applicant Rashida Begam is of a old age and there is an FIR registered against Hira @ Gajala and Mohd. Izhar and Gafoor Khan and Yakub Mohd. have already withdrawn their names. So in this case Jamil Mohd. who is a young man of about 35 years, 10th Class pass, can read and write Punjabi, own 45 Bighas of land and there is nothing against him on record, Sub Divisional Magistrate, Malerkotla has also recommended his name, so after going through all these facts Jamil Mohd. son of Rahimdeen resident of Mohammadpura is appointed as Lambardar after the death of Mohd.Iqbal. His land would be

attached as security by the Government. He would exercise the power of Lambardar. Sanad Lambardari would be prepared after the period of limitation of appeal.

9. Above all, it is now well settled proposition of law that 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. In the instant case, the Collector has weighed the respective pros and cons of the candidates in the right perspective and appointed Jamil Mohd (respondent No.3) as Lambardar.

10. Not only that, the choice of the Collector was further upheld by the Divisional Commissioner, Patiala Division, Patiala, vide impugned order dated 07.04.2011(Annexure P-3).

11. At the same time, learned counsel for the petitioner did not point out any legal violation and material, much less cogent, to contend as to how and in what manner, the impugned orders(Annexures P-1 and P-3) are illegal and would invite any interference by this Court in this context.

12. Meaning thereby, the relevant authorities have recorded the cogent grounds in this regard. Such orders, containing the valid reasons, cannot possibly be interfered with, while exercising the limited writ jurisdiction of this Court, as contemplated under Articles 226/227 of the Constitution of India, unless and until, the same are illegal and perverse. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned orders deserve to be and are hereby maintained in the obtaining circumstances of the case.

13. No other legal point, worth consideration, has either been urged or pressed by the learned counsel for the petitioner.

14. In the light of aforesaid reasons, as there is no merit, therefore, the instant writ petition is hereby dismissed as such.