

(2014) 06 P&H CK 0054
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 7655 of 2014

Mandip Singh

APPELLANT

Vs

Financial Commissioner, Revenue, Punjab and Others

RESPONDENT

Date of Decision : 02-06-2014

Acts Referred:

Citation : (2014) 06 P&H CK 0054

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Advocate : R.S. Chauhan, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Rajan Gupta, J.—Instant petition has been filed for issuance of writ in the nature of certiorari for quashing orders, Annexures P10, P12 & P16 whereby respondent no. 4 was ordered to be appointed as Lambardar of the village.

2. Learned counsel for the petitioner has assailed the orders only on the ground that authorities below have committed a grave error in rejecting the claim of petitioner. According to him, respondent no. 4 has encroached upon a piece of land owned by Gram Panchayat. Petitioner was, thus, only suitable candidate for appointment as Lambardar. He submits that impugned order is unsustainable and deserves to be set-aside.

3. Heard.

4. Brief factual background of the case is that after death of Lambardar of village Balluana, process for fresh appointment was initiated. In response to proclamation, 13 candidates applied for the said post. After considering relative merits of candidates, Collector appointed respondent no. 4 as Lambardar vide order dated 25.11.2009. Dis-satisfied by said order, three appeals were filed before Commissioner, Ferozepur Division who vide his common order dated 20.05.2010 dismissed all the appeals and upheld the order of Collector. Said

order was unsuccessfully challenged before the revisional authority. Aggrieved, present petition has been filed.

5. On due consideration of the matter, I find no ground to interfere in writ jurisdiction. The Financial Commissioner examined the record and came to the conclusion that respondent Harish Chander was 48 years of age and a matriculate. He owned 20 acres of land in the village and belonged to dominant community there i.e. Kamboj. Main ground raised by other candidates before the Financial Commissioner was that Harish Chander had encroached upon public land. He found that no concrete proof had come on record to show that petitioner had encroached upon public land. However, while dismissing the revision petition, he directed District Collector to verify the correctness of this allegation of encroachment. If same were found correct, necessary consequences would follow. In my considered view all aspects have been taken into consideration by Financial Commissioner while deciding the matter. There is no ground to interfere with the findings arrived at. Petition is without any merit and is dismissed.