
(2025) 08 P&H CK 0929

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 9297 Of 2022 (O&M)

Onkar Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 29-08-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Punjab Land Revenue Rules, 1909 — Rule 15

Citation : (2025) 08 P&H CK 0929

Hon'ble Judges : Harsh Bunker, J

Bench : Single Bench

Advocate : Amandeep Soni, Harpreet Singh, Sherry K. Singla

Final Decision : Dismissed

Judgement

Harsh Bunker, J

1. The present petition has been filed under Articles 226/227 of the Constitution of India inter alia seeking issuance of a writ in the nature of Certiorari for setting aside order dated 04.04.2018 (Annexure P-2) passed by the learned Commissioner, Jalandhar Division, Jalandhar and order dated 04.10.2021 (Annexure P-3) passed by the learned Financial Commissioner, Punjab.

1.1 A further prayer has been made for issuance of a writ in the nature of Mandamus for upholding the order dated 22.12.2009 (Annexure P-1) passed by the learned Collector, Amritsar.

2. Briefly, the previous lambardar of Village Galluwal namely Sh. Surain Singh expired in the year 1969, however, the Sub Divisional Magistrate, Amritsar vide order dated 25.07.2007 was directed to initiate process for appointment of new lambardar after the deletion of name of previous lambardar Sh. Surain Singh.

2.1 It appears that in pursuance of the proclamation, only one application i.e. by the petitioner- Onkar Singh was received. The learned Collector, Amritsar vide

order dated 22.12.2009 (Annexure P-1) appointed petitioner- Onkar Singh as the lambardar of Village Galluwal, being the sole candidate.

2.2 Respondent No.5- Resham Singh challenged the Collector's order by filing an appeal before the learned Commissioner, Jalandhar Division, Jalandhar, primarily on the ground that no proclamation (munadi) was ever conducted in the village and that the entire proceedings were sham.

2.3 It is submitted that when the wrong doings of the petitioner came to light, he gave his resignation in the year 2012 and on that basis, respondent No.5 and others were under the impression that fresh proceedings would be initiated in pursuance of the petitioner's resignation, however, since no action was taken, accordingly the appeal was filed. It was also pleaded that the lambardari belongs to Village Galluwal, whereas petitioner- Onkar Singh was not the resident of the said village.

2.4 A reference was also made to a resolution No.72 of the Gram Panchayat to show that Onkar Singh had managed to become the lambardar in a fraudulent manner as no munadi was conducted in the village. A statement of Dalbir Singh, Chowkidar of the village, which was also signed by others stated that no munadi was ever done in the village.

2.5 The learned Commissioner, Jalandhar Division, Jalandhar, upon consideration of the matter, allowed the appeal filed by respondent No.5- Resham Singh and remanded the case to the District Collector, HIMANI GUAPTAmritsar for deciding the case afresh after effecting munadi in the village de novo. The relevant extract of the Commissioner's order reads as under:-

"5. I have considered the arguments advanced by the parties and have perused the papers on the file. The record is reported to have since been burnt in fire. I find that the case deserves to be remanded as there is only one candidate and there was no one else to contest the lambardari. There are also complaints and allegations that Munadi was not effected in the village. Even the Chowkidar of the village has denied the fact of conducting munadi in the village. There after the respondent spread the news that he has resigned from the post. But actually he continued to stick to this post. Since the appellant was not a party earlier, he filed appeal as soon as he came to know about the impugned order of 22/12/2009. The point needs to be probed as to with whose connivance the respondent managed to become lambardar in a surreptitious manner. Another point that needs a thorough inquiry is how and why the post of lambardar of village Galluwal remained vacant for almost four decades. Another serious point which needs to be enquired into is as to who were the officials responsible for keeping the respondent's resignation under wraps without initiating action thereon. In the facts and circumstances of the case, there is merit in the appeal and therefore, the same is accepted, the order of the Distt. Collector, Amritsar dated 22/12/2009 is set aside and the case is remanded to the Distt. Collector, Amritsar for deciding the case afresh after effecting munadi in the village

denovo. The Collector, Amritsar will also hold thorough enquiry on the points raised above and take action accordingly. Parties to appear before the Collector on 29/6/2018."

2.6 Feeling aggrieved against the Commissioner's order, petitioner- Onkar Singh preferred an appeal bearing ROA No.55 of 2018, which has been dismissed by the learned Financial Commissioner, Punjab vide impugned order dated 04.10.2021 (Annexure P-3).

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

4. Heard.

5. Apparently, the petitioner- Onkar Singh was appointed as the lambardar of Village Galluwal by the learned Collector, being the sole candidate, however, on an appeal being filed by respondent No.5- Resham Singh, learned Commissioner, Jalandhar Division, Jalandhar has set aside the learned Collector's order and remanded the matter to the learned Collector for deciding the case afresh after effecting munadi in the village de novo.

6. The Commissioner's order has been affirmed by the learned Financial Commissioner by holding as under:-

"6. I have heard counsels for the parties and given thoughtful consideration to the arguments and evidence on record. On perusal of the case and relevant orders of the lower courts, I find that vide order dated 04.04.2018, the Commissioner, Jalandhar Division, Jalandhar remanded the case to the District Collector for fresh decision after getting effected fresh munadi in the village. It is also clear from the order of the District Collector, the Commissioner, the Tehsildar and SDM that only the appellant applied for the post of lambardar. The Commissioner, Jalandhar Division, Jalandhar in his order dated 04.04.2018 has pointed out certain discrepancy in the order the District Collector. In the present case, there are serious lapses in the selection of the lambardar. To find out a suitable headman for a village is an important task for the govt. officials and as per Rule 15 of the Punjab Land Revenue Rules, 1909, there are several factors which require to be taken into account while appointing a person to the post of a lambardar. In the present case, there is doubt regarding proper proclamation done in the village and relevant record is not available. In this case, the petitioner, the only candidate participated in the race and won. To find out a suitable headman for a village is an important subject and if remanding the case could lead to the selection of a better headman, then it is always a preferred path. The Punjab Land Revenue Rules, 1909 require that for appointment of a lambardar comparative merits of all the candidates should be evaluated and whoever got better merit he should be appointed as lambardar. Therefore, I find nothing perverse and illegal in the order of the Commissioner, Jalandhar Division, Jalandhar for remanding the case. Therefore, I am of view that the Commissioner, Jalandhar Division, Jalandhar has rightly set aside the order dated

22.12.2009 of the Collector.

7. Consequently, I dismiss the present revision petition and uphold the order dated 04.04.2018 passed by Commissioner, Jalandhar Division, Jalandhar. Copy of this order be communicated to the courts below. Record be returned and file be consigned to the record."

6.1 A perusal of the order passed by the learned Financial Commissioner would show that there were serious lapses in the selection of lambardar and there was a doubt regarding proper proclamation done in the village. It has been observed that the relevant record in that regard is not available.

7. Considering the peculiar facts and circumstances of the case, the learned Financial Commissioner went on to observe that the petitioner was appointed as the lambardar, being the sole candidate, however, in order to find out a suitable headman for the village, if remand of the matter would lead to selection of a better headman, then it is always a preferred path.

8. Learned counsel for the petitioner has failed to refer to any material to show that proper proclamation (munadi) was carried out in the village for filling up the vacancy for the post of lambardar.

9. In the absence of the same, in my considered view, it would be appropriate if fresh proceedings for appointment of lambardar are initiated, as directed by the learned Commissioner and affirmed by the learned Financial Commissioner.

10. In view of the above, I find no compelling reason to interfere in the orders passed by learned Commissioner as well as learned Financial Commissioner. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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