
(2005) 07 P&H CK 0076
In the Punjab And Haryana At Chandigarh
Case No : ROR No. 410 of 2003

Surat Singh

APPELLANT

Vs

Kabul Singh

RESPONDENT

Date of Decision : 12-07-2005

Acts Referred:

Citation : (2007) 2 LLR 648 : (2006) 1 RCR(Civil) 428

Hon'ble Judges : Sujata Das, FC.

Advocate : Mr. R.S. Chauhan, Advocate.Mr. R.K. Dadwal, Advocate proxy for Mr. K.S. Dadwal, Advocate., Advocates for appearing Parties

Judgement

Sujata Das, FC.

1. This is a revision petition under Section 16 of the Punjab Land Revenue Act, 1887 against the order of the Commissioner (A), Jalandhar Division, Jalandhar dated 2.4.2003 and that of District Collector, Hoshiarpur dated 28.1.2002.
2. The brief facts of the case are that on the dismissal of Lal Singh, lambardar of village Bhoolpur on account of an FIR lodged against him under Sections 419, 420 and 465 etc., the post of lambardar fell vacant. In response to the proclamation made in the village, several candidates applied for the post of lambardar. The Collector, vide his order dated 28.1.2002, appointed Shri Kabul Singh as lambardar. The Commissioner, in appeal, upheld the order of the Collector vide his order dated 2.4.2003. Surat Singh, the present petitioner, has come up in revision before this Court.
3. The grounds taken by the petitioner are that his father and grand father were the lambardars of the village. That he is 55 years of age. He is matriculate. He owns more than two acres of land. He has retired from the Army. Whereas the qualifications of Kabul Singh are that he is 43 years of age. He studied up to middle class. He owns 14 kanals of land. He is an Ex serviceman, retired from the lower rank.
4. Counsel for the petitioner has argued that three criminal cases are registered

against Shri Kabul Singh. He has stated that a person whose conduct is above board alone should be appointed as lambardar. He quoted a judgment "Mann Singh v. Financial Commissioner Revenue" 2000(2) PLJ 568. Counsel for respondent has stated that the mere registration of an FIR against a person does not debar him being appointed as lambardar. He has quoted Civil Writ Petition No. 16747 dated 6.12.2000 in which the Punjab and Haryana High Court had held that mere pendency of criminal case does not entitle a Court to draw an adverse inference against a person.

5. It is interesting to note that the previous lambardar, Lal Singh was dismissed from the post of lambardar because criminal cases were registered against him under Sections 324, 323, 148 and 149 IPC. He was acquitted by the Court of Sub Judicial Magistrate, Dasuya in this case on 19.2.2003. The very fact that registration of a criminal case against the previous lambardar resulted in a penalty of dismissal, Kabul Singh, against whom three FIRs are pending (Criminal Cases), should not be appointed as lambardar. The appointment of lambardar, no doubt, is the prerogative of the Collector (DC) and yet, if the conduct of the selected candidate is not above board, I have no option but to use my revisional powers. I also suspect extraneous considerations in the appointment of such a candidate as Lambardar. Therefore, I set aside the order of the District Collector and Commissioner and accept the revision petition of the petitioner and appoint him as lambardar.

Announced.