

**Sukhdev Singh Vs. State of Punjab and Others**

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**Court :** Punjab and Haryana

**Decided On :** Nov-15-2011

**Judge :** The Honourable Mr.Justice Mehinder Singh Sullar

**Appeal No. :** C.W.P.No.17705 of 2011

**Appellant :** Sukhdev Singh

**Respondent :** State of Punjab and Others

**Judgement :**

**Mehinder Singh Sullar , J. (Oral)**

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 (respondent No.3) appointed Harpal Singh son of Gian Singh (respondent No.4) as Lambardar of village Bhajoli, Tehsil Kharar, District Mohali, by means of impugned order dated 31.8.2010 (Annexure P1).

2. Aggrieved by the order (Annexure P1), petitioner Sukhdev Singh and Jaswant Singh son of Ram Singh filed their respective appeals, which were dismissed as well, by the Divisional Commissioner, Patiala Division (respondent No.2), by way of impugned order dated 20.4.2011 (Annexure P2).

3. The petitioner still did not feel satisfied and preferred the instant writ petition, challenging the impugned orders (Annexures P1 and P2), 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 help and after deep consideration over the entire matter, to my mind, there is no merit in the present writ petition.

5. Ex facie, the argument of learned counsel that since the petitioner was more suitable candidate, so, the authorities below committed a mistake in appointing respondent No.4 as Lambardar, lacks merit.

6. What cannot possibly be disputed here is that the Lambardar is a village officer as defined under section 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 and 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 and 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, Harpal Singh (respondent No.4) is a graduate and better qualified than the other two candidates. He has passed Urdu examination from Language Department, Punjab. He is commanding good reputation in the village. The Naib Tehsildar and Sub Divisional Officer (C) have recommended his name for the appointment of Lambardar. On the contrary, a criminal case was registered against petitioner Sukhdev Singh, on accusation of having committed the offences punishable under section 148, 323, 324, 326 and 506 read with section 149 IPC, which was pending in the Court of JMIC, Kharar. After considering the respective merits and demerits of the candidates, the District Collector appointed respondent No.4 as Lambardar, vide impugned order (Annexure P1), which, in substance, is as under:-

“After going through deeply the record in detail, after hearing all the three candidates and arguments of their counsels, I have come to the conclusion that out of the three candidates Harpal Singh s/o Gian Singh is more suitable and meritorious and candidate because:-

This candidate is better qualified than other two candidates. Contrary to this candidate Jaswant Singh is 7th class pass. Whereas no proof has been placed on record that candidate Sukhdev Singh is literate. Therefore, this highly qualified candidate if appointed as Lambardar would be for the benefit of common villagers. Other than this it has come to our notice that this candidate Harpal Singh has also passed Urdu examination from Language Department, Punjab which is a good qualification of this candidate. Knowledge of Urdu is an essential for doing, Revenue Department Work. This qualification has taken this candidate ahead of other two candidates. Number of respectable persons from the Village have also recommended his candidature for appointment as Lambardar. From this it becomes clear that this candidate has got good reputation in the Village. Naib Tehsildar Cum Assistant Collector Grade I Kharar and Sub Divisional Magistrate Cum Assistant Collector Grade II Kharar have separately recommended that this candidate be appointed as Lambardar.

Keeping in view aforesaid facts and agreeing with the report with report dt.17.05.2010 of Sub Divisional Magistrate Cum Assistant Collector Grade I Kharar, I hereby appoint Harpal Singh s/o Gian Singh as new Lambardar on the post which has become vacant on account of death of Ram Singh Lambardar Vill. Bhajoli, Tehsil Kharar District S.A.S.Nagar. After expiry of period for filing the appeal, Sanad Lambardari be issued to this candidate. File be consigned to record.”

8. 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 rightly weighed the respective pros and cons of the candidates and appointed Harpal Singh (respondent No.4) as Lambardar.

9. Not only that, the choice of the District Collector was further upheld by the Divisional Commissioner, through the medium of impugned order (Annexure P2).

10. At the same time, the 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 P1 and P2) are illegal and would invite any interference in this relevant behalf.

11. Meaning thereby, the authorities below have recorded the cogent grounds in this relevant connection. Such orders, containing valid reasons, cannot possibly be interfered with by this Court, while exercising the limited jurisdiction of this Court 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 (Annexures P1 and P2) deserve to be and are hereby maintained, in the obtaining circumstances of the case.

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

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

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