

2025:PHHC:134026



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-10185-2025 (O&M)**  
**Date of decision : 17.09.2025**

ANOOP SINGH

...Petitioner

Versus

FINANCIAL COMMISSIONER, REVENUE, PUNJAB  
AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Ms. Ragini Khanna, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

**HARSH BUNGER, J. [ORAL]**

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 18.05.2017 (Annexure P-4) passed by the learned Commissioner, Ferozepur Division, Ferozepur and order dated 18.07.2024 (Annexure P-6) passed by the learned Financial Commissioner, Punjab.

2. Briefly, upon demise of Sh. Pal Singh, previous lambardar of village Nonari Khokhar, Tehsil Jalalabad, District Ferozepur; proceedings were initiated for filling up the vacancy wherein, petitioner-Anoop Singh and respondent No.4-Kuldeep Singh were also the candidates.

2.1 Earlier, the matter came up to this Court in ***CWP-7959-2010***, which came to be disposed of vide order dated 01.03.2012 (Annexure P-1) whereby, the matter was remanded to the learned District Collector, Ferozepur to decide the case on merits by passing a speaking order.

2.2 Thereafter, the matter was taken up by the learned District Collector, Ferozpur, who vide order dated 27.08.2014 (Annexure P-2) appointed petitioner-Anoop Singh as the lambardar of village Nonari Khokhar.

2.3 Feeling aggrieved against the Collector's order, respondent No.4-Kuldeep Singh preferred an appeal before the learned Commissioner, Ferozpur, which was allowed vide order dated 18.05.2017 (Annexure P-4) whereby, the matter was remanded to the learned Collector, for deciding the case afresh after hearing both the parties. The relevant extract of order dated 18.05.2017 (Annexure P-4) reads as under :-

*“6. I have given my thoughtful consideration to the arguments advanced by counsel for the parties and perused the record of the lower court. The counsel for the appellant has taken the ground that respondent is running a commission agent shop at Guruharsahai and has shifted residence to Guruharsahai and as such he is an absentee landlord and cannot be available in the village to the general public whereas the appellant is permanent resident of village Nonari Khokhar and always available in the village. The other point taken by the counsel is that a criminal case under sections 420/465 IPC was registered against the respondent but he concealed the pendency of criminal case against him. The counsel for the appellant has also alleged that respondent wanted to grab the property of one Sandeep Singh son of Sarabjit Singh and a case FIR No.166 was registered against him which is a non-bailable offence. The counsel for the appellant has also contended that appellant is aged about 45 years and is owner of land measuring 81 Kanals 13 Marlas in the estate whereas the respondent is 63 years old and owns only 45 Kanals of land in his name in the estate of village Nonari Khokhar. Therefore, I am of the considered opinion that this case needs reconsideration by District Collector, Ferozpur. Hence, I accept the appeal, set aside the impugned order and remand*

*the case to the District Collector, Ferozepur for a fresh decision after hearing both the parties. The District Collector is directed to decide the case within the period of two months from the date of receipt of a copy of this order. The parties, present in this court are directed to appear before District Collector, Ferozepur for 27.7.2017.”*

2.4 Feeling dissatisfied, petitioner challenged the order dated 18.05.2017 (Annexure P-4) by filing an appeal (**ROA-731-2017**), which has been dismissed by the learned Financial Commissioner, vide order dated 18.07.2024 (Annexure P-6), by observing as under :-

*“4. I have heard Ld. Counsel for both the appellant, gone through their submissions and have perused the order of the courts below. The counsel for the appellant contended that the respondent is not a permanent resident of Village Naunari Khokhar and had shifted to Guruharsahai in 1990, but this claim is not supported by conclusive evidence. While the appellant relied on documents such as electricity fines and ration card details to question the residency of the respondent, these documents do not conclusively prove that the respondent ceased to reside in the village. The Commissioner correctly observed that ownership of property or documents reflecting an alternative address do not automatically disqualify the respondent from being considered for the post of Lambardar, especially when the respondent has sufficient landholding in the village and meets the eligibility criteria. Regarding the argument on educational qualifications, while it is true that the appellant has more education than the respondent, the educational requirement for the post of Lambardar under the Punjab Land Revenue Act does not mandate a specific minimum qualification. The respondent has education up to the 8<sup>th</sup> standard, which is sufficient for the purposes of discharging the duties of Lambardar. The Commissioner correctly assessed that educational qualification is one of several factors to be considered and does not alone determine suitability for the post. Further, the age and larger*

*landholding of the appellant were also weighed, but these factors, though relevant, do not automatically confer greater merit, as suitability involves consideration of all aspects, including character, public opinion, and other relevant attributes. The appellant raised allegations of electricity theft against the respondent, which, though forming part of the record, were appropriately considered by the Commissioner. The imposition of fines for electricity theft and related administrative penalties, while reflecting certain irregularities, do not render the respondent ineligible for the post of Lambardar under the law unless such allegations directly impact the ability of the respondent to perform the duties of the post or question integrity. The Commissioner correctly determined that these allegations, in the absence of stronger evidence, could not outweigh other relevant factors. The reversal of the order of the District Collector by the Commissioner was based on a thorough reassessment of the evidence and comparative merits of the candidates. While it is acknowledged that the choice of the District collector should not ordinarily be interfered with, this principle applies only when the findings are supported by sufficient evidence and proper reasoning. In this case, the Commissioner identified significant deficiencies in the findings, including insufficient consideration of relevant factors, and therefore acted within the scope of authority in reversing the order. The reliance placed by the appellant on the recommendations of the Naib Tehsildar and SDM was also addressed by the Commissioner. While such recommendations are important, they cannot override a broader assessment of the overall suitability of the candidates. The findings of the Commissioner reflect a balanced evaluation of the evidence on record, ensuring that the decision aligns with the requirements of the post of Lambardar. Even, in view of the judgment of the Hon'ble Supreme Court of India in the case of Mangal Parsad Tamoli (D) by LRs Versus Narvedshwar Mishra (D) by LRs 2005(3) RCR(Civil) 171, it has been laid down that an order of*

*remand, being an interlocutory order, does not terminate the proceedings and is open to challenge only after the final judgment. The remand order is therefore not amenable to revisional jurisdiction as no prejudice has been caused. Both parties have been directed to afford an opportunity of being heard, and fresh determination of comparative merits is to be made, allowing the parties to produce evidence. The Commissioner has passed a detailed order while setting aside the order of District Collector order and interference at this stage is unwarranted. The Commissioner order to remand the case to the District Collector is found to be appropriate and in accordance with law. The appellant has failed to prove any illegality or procedural irregularity in the Commissioner order.*

*5. Therefore, keeping in view the aforesaid facts and circumstances of the case, I dismiss the present appeal and the order dated 18.05.2017 passed by Commissioner, Ferozepur Division, Ferozepur is upheld. Copy of this order be communicated to the courts below. File be consigned to the record room.”*

2.5 In the afore-mentioned circumstances, the present writ petition has been filed by the petitioner before this Court, for the relief/s, as noticed here-in-above.

3. Heard.

4. In the instant case, although the petitioner-Anoop Singh was appointed as the *lambardar* by the learned Collector; however, the Collector's order was set aside by the learned Commissioner and the case has been remanded to the learned Collector to pass a fresh order after hearing both the parties. The remand of the matter by the learned Commissioner has been further affirmed by the learned Financial Commissioner. Upon perusal of the orders passed by the learned Commissioner as well as the learned Financial Commissioner, I am of the

considered view that considering the allegations and counter-allegations levelled by petitioner-Anoop Singh and respondent No.4-Kuldeep Singh as regards their availability in the village to perform the duties of *lambardar*, the involvement in criminal cases and allegations of theft; require a fresh look by the learned Collector. That apart, it is not disputed before this Court that the petitioner is presently about 73 years of age, accordingly, the ability of the petitioner to perform the duties will also be required to be looked into.

5. Keeping in view the above, I find no compelling reason to interfere in the impugned order dated 18.05.2017 (Annexure P-4) passed by the learned Commissioner, Ferozepur Division, Ferozepur as well as order dated 18.07.2024 (Annexure P-6) passed by the learned Financial Commissioner, Punjab, whereby, the matter has only been remanded to the learned Collector for passing a fresh order after hearing the respective parties. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

6. Before parting with this order, it is required to be noticed that the proceedings as regards the appointment of *lambardar* of Village Nonari Khokhar, Tehsil Jalalabad, District Ferozepur, are pending consideration for the last more than 20 years, accordingly, I deem it appropriate to direct the learned Collector to finally decide the matter within a period of four months from today.

7. All pending applications (if any) shall also stand closed.

**September 17, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No