

2025:PHHC:008036



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

CWP-1448-2025 (O&M)
Date of Decision: 20.01.2025

AMARJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Gurnam Singh, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

HARSH BUNGER, J. (ORAL)

Petitioner (Amarjit Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking quashing of order dated 23.11.2023 (Annexure P-7) passed by the learned District Collector, Pathankot; whereby, respondent No.3-Harbans Lal has been appointed as the *Lambardar* of Village Taragarh, Tehsil and District Pathankot.

2. Briefly, the petitioner was appointed as *Lambardar* of Village Taragarh and *sanad lambardari* was issued in his favour on 08.01.2008 by the learned Collector, District Gurdaspur.

2.1 It transpires that the petitioner contested the election of *Sarpanch* of Gram Panchayat, Taragarh and was elected for the term 2003-2008. During the tenure of the petitioner as *Sarpanch* of Gram Panchayat, Taragarh, an enquiry was conducted by the learned District Magistrate, Pathankot and an amount of Rs.16,55,171/- was recoverable

from petitioner-Amarjit Singh. It appears that a case FIR No.39 dated 21.07.2013 under Sections 406 and 420 of the Indian Penal Code, was registered at Police Station Taragarh; wherein petitioner-Amarjit Singh was also arrayed as an accused.

2.2 As a consequence of the afore-said FIR, a Show Cause Notice was issued to the petitioner and he was thereafter removed from the post of *Lambardar* of Village Taragarh, vide order dated 30.09.2014 (Annexure P-2) passed by the learned Deputy Commissioner-cum-Collector, Pathankot. It further appears that the petitioner was convicted in the afore-said case FIR No.39 and was sentenced to undergo rigorous imprisonment for a period of three years along with fine of Rs.1,000/-, vide judgment dated 07.01.2019 passed by the Court of Judicial Magistrate Ist Class, Pathankot.

2.3 Petitioner-Amarjit Singh, had challenged the afore-said judgment dated 07.01.2019, by filing a Criminal Appeal before the learned Additional Sessions Judge, Pathankot, which was allowed vide judgment dated 11.07.2023 (Annexure P-3) and the petitioner was acquitted.

2.4 After the acquittal of petitioner-Amarjit Singh, he approached the Deputy Commissioner, Pathankot seeking withdrawal of order dated 30.09.2014, whereby the petitioner was removed from the post of *Lambardar* and thereafter, he preferred a writ petition bearing **CWP-22167-2024** before this Court, challenging the order dated 30.09.2014; however, the said writ petition was dismissed as withdrawn by the petitioner. Accordingly, the order dated 30.09.2014, removing the petitioner from the post of *Lambardar* attained finality upto this Court.

2.5 It transpires that since the post of *Lambardar* of Village

Taragarh, was vacant on account of removal of the petitioner from the said post, proceedings were initiated for filling up the said vacancy and vide order dated 23.11.2023 (Annexure P-7), respondent No.3-Harbans Lal was appointed as the *Lambardar* of Village Taragarh. Said order dated 23.11.2023 (Annexure P-7) has been challenged by the petitioner before this Court, by filing the present writ petition.

3. Heard.

4. During the course of hearing, a specific query was raised to the learned counsel for the petitioner as to whether, the petitioner had applied for the post of *Lambardar*. In response, learned counsel for the petitioner submits that the petitioner did not apply for the post of *Lambardar* as no *mustri munadi* (proclamation) was effected in the village.

4.1 I have considered the aforesaid submission; however, I find no merit in the same as it is clearly mentioned in order dated 23.11.2023 (Annexure P-7) that *munadi* was conducted in village Taragarh through *Halqa Patwari* and rapat No.450 on 12.07.2023 was recorded in *Rapat Roznamcha*.

4.2 The petitioner has not referred to any material on record to dislodge the aforesaid factum of *munadi* made in the village and in the absence of the same, mere *bald* plea of the petitioner that *munadi* was not conducted, is liable to be rejected. Therefore, finding no merit in the present petition, the same is dismissed.

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

January 20, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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