

(2006) 01 P&H CK 0218

High Court Of Punjab And Haryana At Chandigarh

Case No: ROR No. 1 of 2003

Hardial Singh

APPELLANT

Vs

Harbant Singh and another

RESPONDENT

Date of Decision: Jan. 9, 2006

Citation: (2007) 1 RCR(Civil) 319

Hon'ble Judges: B.K.Srivastava, F.C.

Advocate: Sh. R.S. Chauhan, Advocate, Sh. G.S. Nagra, Advocate., Advocates for appearing Parties

Judgement

B.K. Srivastava, F.C.

1. This case has a chequered history. The present respondent, Harbant Singh etc. filed complaint against the appellant, Hardial Singh who is Lambardar of village Bhurred, Teshil and District Ropar. The complaint which dates back to 15 years ago i.e. 15.5.1991 contained allegation against the appellant Lambardar that he was collecting unauthorised revenue from people and that he was getting people involved in wrong cases. This complaint was referred to the S.D.M. for enquiry who recommended his removal. The District Collector, after hearing the Lambardar marked a fresh enquiry to the S.D.M. who returned the finding that the complaint was motivated. The District Collector agreed with this observation vide order dated 8.11.1995. Complainants/present respondents went in appeal before the Commissioner who remanded the matter, vide order dated 27.10.1997 to the District Collector for a fresh decision. The matter went upto the Financial Commissioner Revenue who endorsed the Commissioner and upheld the remand order. Thereafter, the District Collector reexamined the matter and returned the same finding, vide order dated 2.3.2001 that the complaint was motivated and devoid of merits. The respondents/complainants preferred appeal against this order before the Commissioner who again remanded the matter vide impugned order dated 25.9.2002.

2. Hardial Singh, Lambardar had preferred present revision petition against this order of the Divisional Commissioner, Patiala on the ground that the complaint of the present respondents against him was motivated, that the District Collector had twice concluded that the complaint was frivolous and that criminal complaints filed by the respondents on various dates with similar allegations had been found baseless by the court of Judicial Magistrate vide order dated 12.8.1994 of Judicial Magistrate 1st Class, Ropar regarding charges under Sections 182, 406, 411, 418, 427, another order dated 2.7.2997 of Additional Chief Judicial Magistrate, Ropar in criminal charges under Sections 109, 182, 406, 411, 418, 427 and in another order dated 24.11.2001 of Chief Judicial Magistrate, Ropar in criminal charges under Sections 406 and 420.

3. After hearing arguments of counsels for both the parties and perusing the record, I conclude that the complaint is motivated. In last 15 years no other person of the village came forward to support the allegation of unauthorised recovery of land revenue. This allegation remained unproved. Out of seven complainants who had signed the complaint dated 15.5.1991, two persons, namely Pritpal Singh and Gurdev Singh withdrew the complaint. In fact, only two persons namely Harbant Singh and Rattan Singh i.e. respondent Nos. 1 and 2 are perusing the complaint. The petitioner is son of the deceased Lambardar. He is an Instrument Engineer in the Cooperative Sugar Mill, Morinda. I cannot believe that such a wellpaid and qualified person could indulge in act of making false petty revenue recoveries as alleged by the complainants. SDO (Civil) had visited the village to conduct the enquiry and nobody supported the version of the complaint. It was found that the complaint was motivated due to personal reasons. The fate of the aforesaid criminal complaint proves the ulterior motive. I conclude that the complaint is frivolous and motivated. Therefore, I am of the view that this matter should not linger on as it has already continued for 15 years. I accept the revision petition by upholding the finding of District Collector, Ropar. Commissioner's impugned order is set aside.

Announced.