

(2012) 08 P&H CK 0302

High Court Of Punjab And Haryana At Chandigarh**Case No:** Civil Writ Petition No. 16967 of 2010

Jagtar Singh

APPELLANT

Vs

Financial Commissioner
(Co-operation), Punjab,
Chandigarh and othersRESPONDENT

Date of Decision: Aug. 17, 2012**Hon'ble Judges:** Ranjit Singh, J**Bench:** Single Bench**Advocate:** Harsh Bunker, for the Appellant; B.B.S. Teji, Addl. A.G., Punjab, for the State
and Mr. R.S. Chauhan, Advocate, for the Respondent

Judgement

Ranjit Singh, J.

The petitioner was appointed as Lambardar by the Collector on 16.1.2009. The Commissioner has dismissed the appeal, against which respondent No.4 approached the Financial Commissioner, who has accepted the revision and remanded the case back to the Collector for re-consideration, especially in respect of assertion made by respondent No.4 that the petitioner was in occupation of the Central Government property. The petitioner accordingly has challenged this order through the present writ petition. The submission of counsel for the petitioner is that the Financial Commissioner did not have jurisdiction to interfere in the order passed by the Collector, especially so when the petitioner was occupying a plot on the land situated in abadi of the village, which had been allotted to the grandfather of the petitioner by the central Government, as is evidenced by sanad, Annexure P-10.

2. Though notice of motion was issued in this case and the reply has been filed, but it would not be appropriate for the writ Court to interfere in this case. The fact whether the petitioner is in occupation of any Central Government land may have to be established by proper record before the Collector. Merely on asking of respondent No.4, it can not be accepted that the petitioner is in occupation of any

land belonging to Central Government. On the other hand, the assertion of the petitioner that he is not so occupying any land, which is belonging to the Central Government, is also required to be established before his apportionment is interfered. The Financial Commissioner, therefore, was justified in remanding the case back to the Collector to re-consider the issue from this angle. The approach by the Financial Commissioner appears to be fair. He has otherwise not interfered in the order. If ultimately, it is noticed that the petitioner is in occupation of Central Government land, then his appointment may become tainted and open to interference. If it is found otherwise, he would be entitled to continue on the basis of earlier order, appointing him as Lambardar. Let the issue be considered by the Collector on the basis of evidence. Apart from this aspect, the Collector shall not go into any other issue, even if raised before him. The writ petition is accordingly disposed of.