

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

CWP-20420-2022 (O&M)
Date of Decision: 24.05.2023

Sukhdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Athwal, Advocate for the petitioner.

Mr. Karan Puggal, DAG, Punjab
for respondent Nos.1 to 3.

Mr. Vivek K. Thakur, Advocate for respondent No.4.

VIKAS BAHL, J.

1. Challenge in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India is to the order dated 29.07.2022 (Annexure P-4) passed by the Additional Chief Secretary, Punjab Government, Department of Rural Development and Panchayats (Exercising the powers of Government under the Punjab Panchayati Raj Act, 1994) vide which the order dated 07.12.2021 has been set aside and respondent No.4 has been reinstated as Sarpanch of Village Kohala, Tehsil and District Jalandhar. Further prayer has been made that the order dated 07.12.2021 passed by the Director, Department of Rural

Development and Panchayats, Punjab (Annexure P-3) vide which respondent No.4 had been suspended from the post of Sarpanch, be upheld.

BRIEF FACTS OF THE CASE:-

2. Brief facts of the present case are that respondent No.4-Jassa Singh was elected as Sarpanch of Village Kohala in January, 2019. The Director, Rural Development and Panchayats, vide its order dated 07.12.2021 (Annexure P-3), had suspended respondent No.4 from the post of Sarpanch while exercising its powers under Section 20(4) of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the 1994 Act”) on the ground that respondent No.4 had not initiated action for vacating the illegal occupation of the occupants from the panchayat land and had colluded with them. Respondent No.4 had filed an appeal before the Additional Chief Secretary, Punjab Government and the said appeal was allowed vide order dated 29.07.2022 (Annexure P-4) and respondent No.4 was reinstated to the post of Sarpanch. In the said order, it was stated that the observations made in the order would have no bearing on the merits of the regular inquiry which is pending. The petitioner, who is stated to be a resident of Village Kohala, has filed the present writ petition challenging the order dated 29.07.2022 (Annexure P-4) reinstating respondent No.4 as Sarpanch.

ARGUMENTS ON BEHALF OF THE PETITIONER:-

3. Learned counsel for the petitioner has submitted that the earlier Gram Panchayat had instituted an application under Section 7 of

the Punjab Village Common Lands Act read with Sections 5 and 7 of the Public Premises Act, 1971 for evicting Satnam Kaur wife of Bikkar Singh, Bikkar Singh son of Ujagar Singh, Gurmeet Singh son of Bikkar Singh and Tara Singh son of Dhir Singh from Khewat No.337, Khatauni No.517, Khasra No.83(4-10) situated in Village Kohala, District Jalandhar. It is further submitted that vide order dated 21.03.2018 (Annexure P-1), the DDPO-cum-Collector, Jalandhar had allowed the said application and the said persons were ordered to be ejected from the land in dispute and were directed to remove the illegal encroachment and were imposed a penalty/fine of Rs.50,000/-. It is contended that respondent No.4 who was elected as a Sarpanch in January 2019, did not take any active steps to evict the persons named above, against whom, the eviction order dated 21.03.2018 had been passed. It is further contended that it is the petitioner who had filed writ petition bearing No.CWP-10879-2019 and in the said case, the Hon'ble Division Bench of this Court vide order dated 14.09.2021, had directed that demarcation be carried out by Total Survey Machine on or before 29.09.2021 and the matter was adjourned to 06.10.2021 with a direction that demarcation report be submitted before the Court and it was further observed that in case, any of the parties were found to be in illegal possession of land then the said party would hand over the vacant possession of the land to the Gram Panchayat. It is submitted that it is on account of effort made by the present petitioner and on account of orders passed by Hon'ble Division Bench of this Court that illegal encroachment was removed. It is argued

that respondent No.4 who was appointed as Sarpanch in January 2019 had not taken any active steps to get the eviction of the persons who were in illegal occupation of the land and even in the petition filed by the petitioner, no active support was given by respondent No.4. It is further argued that before the order dated 07.12.2021 (Annexure P-3) was passed, a preliminary inquiry was conducted by the office of District Development and Panchayat Officer, Jalandhar and the said report was also taken into consideration while passing the order dated 07.12.2021 and in the said order, it had been rightly observed that respondent No.4 had not initiated any action for getting the encroachers removed from the panchayat land on account of connivance with the illegal occupants. It is also submitted that the order passed by the Additional Chief Secretary, Punjab Government, is cryptic and non-speaking and even the resolutions which have been taken into consideration by the Additional Chief Secretary, Punjab Government, would not further the case of respondent No.4. It is argued that respondent No.4 is a public servant and since, he did not perform his duties diligently, thus, he does not deserve to hold the post of Sarpanch. It is further argued that respondent No.4 had not complied with the orders passed by the Collector as well as the Hon'ble High Court and as per the Explanation to Section 20 of the 1994 Act, the same would amount to misconduct inasmuch as it is the duty of the Sarpanch to carry out the lawful orders of any competent authority and thus, the order reinstating respondent No.4 as Sarpanch deserves to be set aside.

ARGUMENTS ON BEHALF OF RESPONDENT NO.4:-

4. On the other hand, learned counsel for respondent No.4 has vehemently opposed the present writ petition and has submitted that respondent No.4 had made every endeavour to evict the illegal occupants from the land in question. He has referred to several Resolutions which have been annexed along with the written statement as Annexures R-4/1 (Colly). Specific reference has been made to the Resolutions dated 02.10.2021 (at page 73 of the paper book), 11.10.2021 (at page 75 of the paper book), 16.10.2021 (at page 76 of the paper book), 30.10.2021 (at page 78 of the paper book) and 14.11.2021 (at page 79 of the paper book) and has highlighted the fact that consistently Resolutions have been passed by respondent No.4 for evicting the unauthorized occupants i.e., the persons against whom the eviction order had been passed on 21.03.2018. By making a reference to the Resolution dated 02.10.2021, which is at page 73 of the paper book, it has been pointed out that request was made to the Block Development and Panchayat Officer, Jalandhar to provide police help as there was an apprehension of quarrel while taking possession from Tara Singh, who was respondent No.4 in the eviction order (Annexure P-1). It is further pointed out that in the Resolution dated 11.10.2021, which is at page 75 of the paper book, it had been stated that the Panchayat had made the arrangement for JCB and trolleys by spending an amount of Rs.24,500/- which had been paid to M/s Gurdip Earth Movers by the Gram Panchayat. In the Resolution dated 16.10.2021, which is at page 76 of the paper book, it has been pointed out

that possession from the illegal occupants i.e., Satnam Kaur wife of Bikkar Singh as well as Tara Singh son of Dhir Singh, which, as per the demarcation report carried out in pursuance of the order passed by the High Court was 4 marlas and 12 marlas respectively, had been taken and in the Resolution dated 30.10.2021 which is at page 78 of the paper book, wire was also put around the land in question so that nobody could take illegal possession of the same in future. It is further submitted that all the said Resolutions were passed prior to 07.12.2021 which is the date on which the order of suspension was passed against respondent No.4 and that the said Resolutions were passed under the chairmanship of respondent No.4. Learned counsel for respondent No.4 has further referred to the photographs (Annexure R-4/2 Colly) which are annexed with the reply of respondent No.4 from pages 81 to 87 of the paper book, in order to show that illegal possession of Satnam Kaur and Tara Singh has been removed in pursuance of the Resolutions passed by the Gram Panchayat when respondent No.4 was Sarpanch and that the said illegal encroachment has been removed much prior to the passing of order dated 07.12.2021.

5. Learned counsel for respondent No.4 has submitted that in the present case, respondent No.4 was suspended on 07.12.2021 and was reinstated on 29.07.2022 i.e., after a period of more than seven months and on account of stay order granted by the Coordinate Bench of this Court on 09.09.2022, has continued to remain suspended till date and thus, respondent No.4, who is a democratically elected Sarpanch, has

been kept away from discharging his duties for a period of more than 15 months and the regular inquiry against respondent No.4 is still pending and has not been concluded. Learned counsel for respondent No.4 has relied upon the **judgment dated 23.04.2013** passed by the Hon'ble Division Bench of this Court in case titled as **LPA No.93 of 2013** titled as **Inderjit Singh Vs. State of Punjab and others**, in which, it was observed that long suspension of an elected representative is not in the interest of Panchayati Raj democracy. In the said case, the Sarpanch was kept under suspension for a period of more than one year whereas the period of suspension in the present case has surpassed more than 15 months. It is further submitted that respondent No.4 cannot be kept under suspension for an indefinite period and thus, the order dated 29.07.2022 reinstating respondent No.4 is legal and in accordance with law. It is argued that a perusal of the order dated 07.12.2021 (Annexure P-3) would show that the reason for suspending respondent No.4 from the post of Sarpanch was that respondent No.4 had not initiated action for vacating the encroachment of panchayat land on account of his connivance with the illegal occupants. It is submitted that apart from the fact that the said reason is factually incorrect, the said reason cannot be made the basis for suspending a Sarpanch even in case the same is taken to be true on its face value. Reliance in this regard has been placed upon the **judgment dated 12.07.2010** passed by a Coordinate Bench of this Court in writ petition bearing No.**CWP-12643-2009** titled as **Kaki Devi Sarpanch Vs. State of Punjab and others**. It is argued that the Coordinate Bench, after

considering the provisions of law, had come to the conclusion that the order of suspension could be passed on a ground which was a ground for removal of the Sarpanch. It was observed that if a person is found in unauthorized occupation of property belonging to any local authority then, the same is a disqualification under Section 208(1)(k) of the 1994 Act for which the Sarpanch could be suspended but merely on account of the fact that the Sarpanch had not taken action against the persons who were in illegal occupation, the same would not be a ground for either disqualification or suspension. Reliance has also been placed upon the **judgment dated 27.03.2017** passed by another Coordinate Bench of this Court in writ petition bearing No.**CWP-2986-2016** titled as **Gurbaksh Kaur Vs. Joint Development Commissioner, Punjab and others**. It is submitted that the order dated 29.07.2022 is a well reasoned order and the Resolutions fully support the claim made by respondent No.4. It is further submitted that all the Resolutions which are relevant have been annexed along with the written statement and even relevant photographs proving the plea raised by respondent No.4 have also been annexed and that no replication has been filed by the petitioner either to rebut the said Resolutions or the said photographs. It is argued that even a perusal of order dated 14.09.2021 (Annexure P-2) passed by the Hon'ble Division Bench of this Court would show that all the counsel appearing in the same were ad idem that the matter could be resolved by carrying out the demarcation of the land and it was on the basis of said consensus that demarcation was carried out and it was observed that in case, any of the

parties were found to be in illegal possession of the land then, the said party would voluntarily hand over the vacant possession of the said portion of the land. It is submitted that from the said order, it cannot even be remotely stated that the Gram Panchayat or respondent No.4 had opposed the writ petition or had delayed the same. It is further contended that the order passed by the Hon'ble High Court has been duly implemented by respondent No.4 and thus, plea raised by the petitioner to the effect that respondent No.4 has not complied with the order is baseless and without merit. It is further submitted that respondent No.4 had taken over as Sarpanch in January 2019 and CWP-10879-2019 was filed with respect to the land in question and order (Annexure P-2) relied upon by the petitioner was passed by the Hon'ble Division Bench of this Court on 14.09.2021 and by October, 2021, possession from the illegal encroachers was taken. It is contended that a perusal of paragraph 5 as well as paragraph 14(vi) of the present writ petition would show that the encroachers had filed an appeal against the order dated 21.03.2018. Learned counsel for respondent No.4 has further submitted that order of eviction was passed on 21.03.2018 i.e., prior to the date when the petitioner had taken over as Sarpanch in January 2019.

ARGUMENTS ON BEHALF OF STATE-RESPONDENT NOS.1 TO 3:-

6. Learned State Counsel has submitted that order dated 29.07.2022 passed by the Additional Chief Secretary has been passed after considering the entirety of facts and thus, is in accordance with law.

It is further submitted that regular inquiry against respondent No.4 is

pending before the Additional Deputy Commissioner (D), Jalandhar.

ANALYSIS AND CONCLUSION:-

7. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the present writ petition deserves to be dismissed and order dated 29.07.2022 (Annexure P-4) vide which respondent No.4 has been reinstated to the post of Sarpanch, deserves to be upheld for the following reasons:-

(I) Respondent No.4 was suspended vide order dated 07.12.2021 and was reinstated vide order dated 29.07.2022 and thus, had remained suspended for a period of more than seven months and on account of stay order granted by the Coordinate Bench of this Court on 09.09.2022, respondent No.4 has not resumed his duties till date and thus, in effect, for a period of 15 months, respondent No.4 has, for all intents and purposes, remained suspended. It is the admitted case of the parties that regular inquiry is pending. The Division Bench of this Court in ***Inderjit Singh's*** case (Supra) had observed that it is not in the interest of Panchayati Raj democracy to keep the elected representatives under indefinite suspension. In the said case, learned Single Judge, whose order was under challenge before the Division Bench, had observed that since, regular inquiry is pending, therefore, the Court cannot go into disputed questions of fact with respect to illegal possession of the appellant therein on the panchayat land and accordingly, did not interfere in the order of

suspension which had been passed against the appellant therein. When the matter came up for hearing before the Division Bench of this Court, it was found that regular inquiry was pending for the last more than one year and primarily, keeping the said aspect in mind, the appeal was allowed and order of the learned Single Judge as well as the order of suspension were set aside. The case of respondent No.4 is on a better footing than the case of the appellant therein inasmuch as there are no allegations against respondent No.4 that he is in illegal possession of any panchayat land.

II) A perusal of the order dated 07.12.2021 (Annexure P-3), vide which, respondent No.4 has been suspended from the post of Sarpanch would show that the reason given in the same is that respondent No.4 had not initiated any action for vacating the illegal encroachment on panchayat land due to his connivance with the illegal occupants. The said order has been set aside vide order dated 29.07.2022 (Annexure P-4), with the observations that it was not established that respondent No.4 was hand in glove with the illegal occupants. A perusal of the resolution dated 02.10.2021 (Annexure R-4/1) which is at page 73 of the paper book (annexed along with reply filed by respondent No.4), would show that the same has been duly signed by respondent No.4 and as per the said Resolution, it has specifically been resolved under the chairmanship of respondent No.4-Sarpanch that for complying with the order of eviction, the Block Development and Panchayat

Officer, Jalandhar be requested to provide police help as there was an apprehension of breach of peace. Resolution dated 11.10.2021 passed under the chairmanship of respondent No.4-Sarpanch by the Gram Panchayat (at page 75 of the paper book) would show that for the purpose of removal of illegal possession, JCB and trolleys were to be arranged and for the same, expenditure to the tune of Rs.24,500/- was incurred by the Panchayat. Resolution dated 16.10.2021 passed by the Gram Panchayat under the chairmanship of respondent No.4-Sarpanch (at page 76 of the paper book) would show that it had been observed and resolved that demarcation of khasra No.83 had been carried out and as per the same, 4 marlas of land were found to be in the illegal possession of Satnam Kaur wife of Bikkar Singh and 12 marlas of land were found to be in the illegal possession of Tara Singh son of Dhir Singh and that the said illegal encroachment had been removed and possession had been handed over to the Panchayat. It was further observed that the illegal construction of shops by Tara Singh was demolished and that there was no illegal possession/encroachment in khasra No.83. Resolution dated 30.10.2021 of the Gram Panchayat, which was again duly signed by respondent No.4-Sarpanch (at page 78 of the paper book), would show that the Panchayat had decided to install wires so that in future, nobody could take illegal possession of the land vested in Khasra No.83 measuring 4 kanals 10 marlas. Other Resolutions, including Resolution dated 14.11.2021, have also

been relied upon by learned counsel for respondent No.4. The said Resolutions have been annexed along with the reply and have been relied upon by respondent No.4 to show that respondent No.4 had duly acted in accordance with law and had played an active role in getting the possession from the illegal occupants against whom the eviction order dated 21.03.2018 (Annexure P-1) was passed. No replication has been filed by the petitioner to rebut the said Resolutions. A perusal of photographs (Annexure R-4/2 Colly) which are annexed with the written statement of respondent No.4 (page 81 to 87 of the paper book), would also prima facie show that that the illegal shops and construction raised by Satnam Kaur and Tara Singh have been demolished with the help of JCB & Trolley. The abovesaid Resolutions as well as the dates mentioned in the said photographs annexed, are all prior to the date on which the order of suspension was passed i.e., on 07.12.2021. It would also be relevant to note that the eviction order was passed on 21.03.2018 (Annexure P-1) which was prior to the date on which respondent No.4 was elected as Sarpanch i.e., January, 2019 (refer to para 5 of present writ petition) and that writ petition bearing No.CWP-10879-2019 was filed by the petitioner in the year 2019 and order (Annexure P-2) was passed in the said petition on 14.09.2021 and the abovesaid Resolutions were passed immediately thereafter and the possession from illegal occupants was taken by October, 2021. From the abovesaid documents and facts which are uncontroverted,

this Court is of the view that respondent No.4 had passed repeated Resolutions to get the illegal encroachment removed and had complied with the orders passed by the authorities and by this Court and thus, the finding in the impugned order dated 29.07.2022 to the effect that no connivance between respondent No.4 and illegal occupants was established, is correct and requires no interference.

The argument of the learned counsel for the petitioner to the effect that the act of respondent No.4 would fall within the meaning of misconduct as defined in explanation to Section 20 of the 1994 Act, also deserves to be rejected as the respondent No.4 has carried out the lawful orders passed by the competent authority and the Hon'ble High Court in the facts and circumstances explained above and none of the clauses mentioned in the explanation to Section 20 of the 1994 Act are attracted in the present case. Moreover, in the order dated 07.12.2021, it has not been observed that respondent No.4 is being suspended, for having committed misconduct as defined in the explanation to Section 20 of the 1994 Act. Learned counsel for the petitioner has not referred to any order or pleading in the earlier writ petition i.e. CWP-10879-2019, from which it could be stated that respondent No.4 has not complied with the orders passed by the Hon'ble High Court or any other authority or that he had committed any misconduct. A perusal of the order dated 14.09.2021 (Annexure P-2) passed by the Hon'ble Division Bench

of this Court, which has been relied upon by learned counsel for the petitioner, would show that all the parties including the petitioner had reached a consensus to the effect that demarcation of the land be carried out and in case, any person was found to be in illegal possession of the land after the said demarcation had been done then that said party would voluntarily hand over the vacant possession of the said portion. Even from the said order, it cannot be said that respondent No.4, who was Sarpanch of Gram Panchayat and was party in the earlier petition, had taken any stand to oppose the writ petition.

(III) The reason given in the order dated 07.12.2021 for suspending the present respondent No.4 from the post of Sarpanch was that he had not initiated action for vacating the encroachment on the panchayat land due to his connivance with illegal occupants. Apart from the fact that it is not established that respondent No.4 was in connivance with illegal occupants, it would be relevant to note that the Coordinate Bench of this Court in ***Kaki Devi Sarpanch's case*** (Supra), had, after considering the provisions of Sections 20 and 208 of the 1994 Act, observed that Sarpanch could be removed under Section 20(1)(a) of the 1994 Act on any of the grounds which have been mentioned under Section 208 of the 1994 Act and on other grounds which have been mentioned under sub-Section (1)(b)(c)(d)(e)(f) of Section 20 of the 1994 Act and further that Section 20(4) of the 1994 Act provides that Sarpanch may be

placed under suspension for the reasons for which he could be removed and thus, the Coordinate Bench observed that in case, ground for removal was not made out then there could be no order of suspension and that since, there was no ground to disqualify a person to be a member of Panchayat on the basis that no action was taken by him against the encroachers, the order of suspension could not have been passed on the said ground. It was observed that if a person is found to be in unauthorized occupation of property belonging to any local authority then that person could be declared disqualified for being chosen as a member of the Panchayat under Section 208(1)(k) of the 1994 Act and the said provision would not be attracted solely on the ground that he has not got the illegal encroachment removed. After considering the said aspect, the Coordinate Bench had allowed the writ petition and set aside the impugned orders, vide which, the petitioner therein was placed under suspension. Relevant portion of the said judgment is reproduced hereinbelow:-

“xxx xxx

3. Feeling aggrieved from the order dated 17.2.2009, placing the petitioner under suspension, she approached the State Government and her appeal again dismissed vide impugned order dated 3.8.2009 (Annexure P-5).

Xxx xxx

5. Mr. Satish Bhanot, Addl.A.G., Punjab appearing for the State argued that if it is proved on the record that petitioner was having collusion with the encroachers then of course

petitioner can be placed under suspension during the pendency of the inquiry and if in the final inquiry, petitioner is found to be not guilty then suspension order will automatically go.

Xxx xxx

7. From the perusal of Section 20 of the Act, this Court finds that Sarpanch can be removed under Section 20(1)(a) on any of the grounds mentioned under Section 208 of the Act and on other grounds mentioned under Sub-section (1)(b)(c)(d)(e)(f). Further from the perusal of Sub-section (4) of Section 20, this Court finds that Sarpanch may be placed under suspension for the reasons, for which he can be removed. In the opinion of this Court, if there is no ground for removal then of course there can be no order of suspension. From the perusal of Section 208(1)(k), this Court finds that if a person is found in an unauthorized occupation of property belonging to any local authority then that person shall be declared disqualified for being chosen as a member of the Panchayat.

8. On being asked, learned Additional Advocate General is not able to point out any provision under the Act which empowers the State or the Director Rural Development and Panchayat, Punjab to disqualify a person to be a member on the ground that no action was taken by him against the encroachers for some time.

9. Mr. G. S. Sidhu, IAS, Director, Rural Development and Panchayats, Punjab, Chandigarh has filed his personal affidavit and in paragraph No.2 he has stated as under:-

“2. That the petitioner was suspended from the post of Sarpanch vide order dated 17.2.2009 (Annexure P-3) as she connived with some residents of the village and

by that she facilitated them to encroach the property belonging to Gram Panchayat. These allegations were duly proved by the report submitted by the respondent no.3. It is however submitted that it was in advertently mentioned in the suspension order that the petitioner is herself in the illegal possession of Panchayat land.”

10. Even from the affidavit of Mr. G.S. Sidhu, IAS I am unable to find out that petitioner was ever found in illegal possession of any public land. That being so, provision of Section 208(1)(k) of the Act is not attracted. Hence, there is no ground for removal against the petitioner under Section 20(1)(a) of the Act. Consequently, petitioner can not be placed under suspension by invoking Sub-section (4) of Section 20 of the Act.

11. Hence, petition is allowed. Impugned orders dated 17.2.2009 and 3.8.2009 are hereby quashed.”

The said judgment has been followed in **Gurbaksh Kaur's** case (Supra). The law laid down in the abovesaid judgments would also support the case of respondent No.4.

IV) A perusal of the order dated 29.07.2022 (Annexure P-4) would show that the Additional Chief Secretary, Punjab Government, had taken into consideration three Resolutions to come to the conclusion that respondent No.4 had made efforts for removing the illegal encroachment. However, perusal of all the Resolutions and the photographs which have been placed on record along with the written statement as Annexure R-4/1 (more so, from pages 73 to 78 of the paper book) and Annexure R-4/2 Colly (from

pages 81 to 87) fully support the plea of respondent No.4 and substantiate the fact that respondent No.4 had played an active role in evicting the illegal occupants against whom eviction order dated 21.03.2018 had been passed and had complied with the orders passed by the authorities and the Hon'ble Division Bench of this Court and to the said Resolutions and photographs, there is no rebuttal as no replication has been filed by learned counsel for the petitioner to controvert the pleas raised in the written statement and the documents annexed along with written statement and thus, plea of the petitioner to the effect that Resolutions relied upon by the authority do not fully reflect that the persons against whom eviction order dated 21.03.2018 passed were sought to be proceeded against, deserves to be rejected. Moreover, a perusal of Resolution dated 18.03.2020 (Annexure P-6) would show that action was taken by respondent No.4 against the present petitioner Sukhdev Singh son of Assa Singh, who is alleged to have spread white sand by using his tractor, which sand was purchased and stored in three trucks by the Panchayat and thus, the petitioner was aggrieved with respondent No.4. Even Resolutions dated 14.08.2021 (Annexure P-7) and 14.11.2021 (Annexure P-8) would show that action was sought to be taken against illegal encroachers.

8. For the reasons stated above, the present Civil Writ Petition, being devoid of merit, is dismissed.

9. It is clarified that observations made in the present writ

petition have been made to consider the legality or otherwise, of the order dated 29.07.2022 reinstating respondent No.4 as Sarpanch, on the basis of material placed before this Court and the same should not be construed as an expression of final opinion with respect to the regular inquiry pending against respondent No.4 and the said inquiry would be conducted independent of the observations made in the present order and further orders after the regular inquiry is concluded would be passed by the competent authority on the basis of material produced in the regular inquiry, in accordance with law.

10. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid judgment.

24.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No