



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

CWP-9238-2025 (O&M)
Date of decision :03.07.2025

ANKIT

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rishi Lal, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *mandamus*, directing respondent No.2 to reconsider the representation of the petitioner and to take action against Sarpanch Richhpal @ Rishipal S/o Ilam Singh, Village Dadola, who has been elected in violation of the provisions of the Haryana Panchayati Raj Act, 1994 (in short 'the 1994 Act').

2. Briefly, general elections of Gram Panchayat Dadola, District Panipat were held on 02.11.2022, wherein petitioner—Ankit and respondent No. 5-Richhpal @ Rishipal submitted their respective nominations for the

post of Sarpanch, however respondent No. 5-Richhpal @ Rishipal was elected as Sarpanch of village Dadola.

2.1 It is stated that respondent No. 5-Richhpal @ Rishipal was in unauthorized possession of panchayat land and the previous gram panchayat had also filed a petition against him, which was decided in favour of the Gram Panchayat Dadola by the then Assistant Collector 1st Grade, Samalkha and an appeal filed by respondent No. 5-Richhpal @ Rishipal was dismissed by the learned Collector, Panipat on 13.03.2012. Even a further appeal before the learned Commissioner, Rohtak Division, Rohtak was also dismissed.

2.2 It is noticeable that the above referred orders have not been attached with the instant writ petition.

2.3 It is further stated that respondent No. 5-Richhpal @ Rishipal preferred a writ petition (*CWP-25924-2014*) before this Court, which was withdrawn on 25.05.2015 (Annexure P-4).

2.4 It is the case of the petitioner that respondent No. 5-Richhpal @ Rishipal, at the time of filing his nomination, submitted a false affidavit that he is not in illegal possession of common land of panchayat. It is contended that the petitioner had submitted representation dated 17.01.2025 before respondents No.2 to 4 seeking removal of respondent No.5-Richhpal @ Rishipal from the post of Sarpanch of gram panchayat village Dadola and also to evict him from panchayat land; however, no action has been taken.

2.5 In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s), as noticed here-in-above.

3. Heard.

4. Apparently, petitioner—Ankit and respondent No. 5-Richhpal @ Rishipal submitted their respective nominations for the post of *Sarpanch*, however respondent No. 5-Richhpal @ Rishipal was elected as Sarpanch of village Dadola. The petitioner claims that respondent No. 5-Richhpal @ Rishipal is/was in unauthorized possession of panchayat land, therefore, he is/was disqualified from holding the post of Sarpanch.

4.1 In my considered view, if the petitioner was aware about unauthorized possession of Panchayat land and there was actually some eviction order passed against respondent No.5, then he should have challenged the election of respondent No. 5-Richhpal @ Rishipal by filing an election petition as envisaged under Section 176 of the 1994 Act, however no such recourse was taken.

4.2 Be that as it may, the petitioner has not placed on record any eviction order passed against respondent No. 5-Richhpal @ Rishipal nor any other material has been shown to this Court which may *prima facie* reflect that respondent No. 5-Richhpal @ Rishipal is in unauthorized possession of Panchayat land. Even the order dated 25.05.2015 (Annexure P-4) passed by this Court in **CWP-25924-2014**, does not advance the case of the petitioner.

5. Considering the totality of circumstances, it is observed that the petitioner has made general and vague averments in the writ petition and no material reflecting unauthorized possession of Panchayat land by respondent No. 5-Richhpal @ Rishipal, is forthcoming.

6. Since, the instant writ petition is completely bereft of foundational facts for claiming reliefs as prayed for therein nor the true facts are forthcoming, it is not possible for this Court to adjudicate the same on account of incomplete facts.

6.1 Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

7. All pending application/s, if any, shall also stand closed.

July 03, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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