

130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14164-2025 (O/M)
Date of decision : 04.12.2025

Gram Panchayat Bazidpur Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 07.03.2025 (Annexure P-6) and order dated 30.04.2025 (Annexure P-13), passed by Block Development and Panchayat Officer, Block Ghal Khurd, Ferozepur (in short 'BDPO').

2. Briefly, petitioner-Gram Panchayat is aggrieved against order dated 07.03.2025 (Annexure P-6), issued by BDPO concerned, whereby Gram Panchayat was directed to stop on-going work of digging the pond and also order dated 30.04.2025 (Annexure P-13), whereby BDPO concerned has asked the panchayat officials to submit an assessment report as regards damage caused on account of improper draining of pond.

2.1 According to the petitioner, the Gram Panchayat, Bazidpur passed a resolution dated 31.12.2024 (Annexure P-1), resolving that there was some extra land of panchayat (about 2.5 to 3 acres) lying vacant, wherein a pond can be dug, so that after installation of sewerage pipeline, the dirty waste water of village may be disposed of. It is averred that the aforesaid resolution was forwarded to the BDPO concerned, which was forwarded to the Executive Engineer, Mining Department for seeking approval for digging of the pond. It is stated that the Mining Department granted permission, vide order dated 13.02.2025 (Annexure P-4).

2.2 It appears that the petitioner-Gram Panchayat started the work of digging the pond; however, a complaint was submitted by some of village residents; whereupon the BDPO concerned issued an office order dated 07.03.2025 (Annexure P-6), asking the petitioner-Gram Panchayat to stop the work of digging the pond for meanwhile.

2.3 It is stated that upon receipt of order dated 07.03.2025 (Annexure P-6) from the BDPO concerned, the Sarpanch of Gram Panchayat, Bazidpur stopped the work and submitted a representation dated 17.03.2025 (Annexure P-7) to District Development and Panchayat Officer, Ferozepur (in short 'DDPO'), requesting that the on-going panchayat work be not stopped.

2.4 It is averred that the Principal of Government Senior Secondary Smart School, Bazidpur submitted a letter dated 24.02.2025 (Annexure P-9) to Gram Panchayat, clarifying that the Gram Panchayat was not doing any work of pond on the land of the school and that the school has no objection, if the works are conducted by the Gram Panchayat outside the school premises. It is further averred that the

DDPO concerned, vide its letter dated 09.04.2025 (Annexure P-11), sought an explanation from the BDPO concerned as regards order dated 07.03.2025 (Annexure P-6) with a further direction that the stopped work of gram panchayat should be started immediately.

2.5 It is stated that thereafter BDPO concerned issued an office order dated 30.04.2025 (Annexure P-13), seeking an assessment report as regards damage caused on account of improper draining of pond in the Gram Panchayat.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Upon issuance of notice of motion in this case, a short reply has been filed on behalf of respondents No. 1 to 3. It is the stand of State that some of residents of village Bazidpur had submitted a complaint to the DDPO, Ferozepur, stating therein that the Sarpanch of village Bazidpur was illegally constructing a pond in the playground of the school to dispose of sewage water, which was damaging the school playground and foul smell from the sewage water will cause difficulties to the students and further pose a risk of spreading diseases as the pond was 60 meters away from the school building.

4.1 It is stated that the aforesaid complaint was forwarded to Sub Divisional Magistrate, Ferozepur for inquiry, who submitted his inquiry report dated 20.06.2025 (Annexure R-2). It is stated that since there was a complaint as regards unauthorized digging of pond by the gram panchayat near school; accordingly, the BDPO concerned issued a letter dated 28.02.2025 (Annexure R-3), calling upon the Sarpanch Smt.

Parminder Rani to appear before him; however, she failed to respond to the summons sent to her on various occasions and thereafter, the BDPO concerned issued a letter dated 06.03.2025 (Annexure R-4), recommending action against Sarpanch under Section 20 (B) of Punjab Panchayati Raj Act, 1994 (in short '1994 Act'), the relevant extract of which reads as under :-

“Vide letter No. 674-75 dated 03/03/2025, the Junior Engineer (JE) was directed to report on the pond's approval. The JE reported that while Mining Department approval was obtained, no technical approval was sought from the Panchayati Raj Department. The pond construction is being carried out under the Sarpanch's supervision, making her solely responsible.

Vide letter No. 650 dated 28/02/2025, the Sarpanch was directed to stop the pond construction on Provisional Government land as per revenue records, with a warning of further action if not complied with.

The facts indicate that Smt. Paraminder Rani, Sarpanch, constructed the pond on Khasra No. 19/16 min (4-0) and 19/15 (6-2), owned by the Provisional Government and classified as “non-agricultural school” land, not the Gram Panchayat. No technical approval was obtained from the Panchayati Raj Department, violating regulations. The playground's boundary wall was demolished without competent authority approval. Smt. Paraminder Rani misused her position. Therefore, legal action under Section 20(B) of the Punjab Panchayati Raj Act, 1994, is recommended against her.”

4.2 It is stated that thereafter, the BDPO concerned issued an office order dated 07.03.2025 (Annexure P-6), calling upon the Sarpanch to immediately stop the on-going construction work. It is further stated

that before initiating proceedings under Section 216 of 1994 Act, the BDPO concerned issued a letter dated 30.04.2025 (Annexure P-13) to panchayat officials, seeking a report regarding the loss caused by the gram panchayat on account of improper draining of pond in the Gram Panchayat, Bazidpur; whereupon the Junior Engineer submitted a loss assessment report estimating Rs. 9,15,767/-, whereas Panchayat Secretary reported a loss of Rs. 2,98,936/-, totalling amount of Rs. 12,14,703/-.

4.3 It is averred that thereafter the BDPO concerned issued an order dated 23.06.2025 (Annexure R-7) under Section 216(2) of 1994 Act, directing recovery of Rs. 12,14,703/- from Smt. Parminder Rani, Sarpanch of Gram Panchayat, Bazidpur.

4.4 It is further stated that the DDPO, Ferozepur, vide order dated 25.08.2025 (Annexur R-8), suspended Smt. Parminder Rani, from the post of Sarpanch of Gram Panchayat, Bazidpur, for misusing her authority by digging a pond on the Government provincial land and demolishing the boundary wall of school playground without approval.

4.5 With the aforesaid submissions, prayer has been made for for dismissal of the instant civil writ petition.

5. Heard.

6. Apparently, petitioner-Gram Panchayat passed a resolution (Annexure P-1), resolving to dig a pond for discharge of dirty waste water of the village; whereupon a permission was sought from the Mining Department, which appears to have been accorded, vide order dated 13.02.2025 (Annexure P-4), subject to conditions.

6.1 It transpires that some of village residents submitted a complaint to the DDPO, Ferozepur, stating therein that the pond was

being constructed near the school, which was creating foul smell and also posed a risk of spreading diseases. The aforesaid complaint was got enquired into from Sub Divisional Magistrate, Ferozepur, who submitted his report dated 20.06.2025 (Annexure R-2).

6.2 On the other hand, since the matter was being inquired into, the BDPO concerned issued an office order dated 07.03.2025 (Annexure P-6), asking the Sarpanch to stop the work of digging the pond. It transpires that since the Sarpanch had failed to respond to summons issued by the BDPO concerned, he recommended action against her under Section 20(2) of 1994 Act; whereupon, vide order dated 25.08.2025 (Annexure R-8), the Sarpanch, Parminder Rani, has been suspended from the post of Sarpanch.

6.3 It transpires that since the pond was being dug without seeking technical approval from the Panchayat Department; the assessment of damage was done and proceedings under Section 216 of 1994 Act had been initiated, wherein the loss to the tune of Rs. 12,14,703/- was assessed and the Sarpanch was asked to deposit the same in the panchayat account, vide order dated 23.06.2025 (Annexure R-7).

7. From the aforementioned circumstances, it is made out that since the pond was being dug by the gram panchayat without seeking technical approval from the Panchayat Department, the BDPO concerned, vide order dated 07.03.2025 (Annexure P-6), has asked the gram panchayat to stop the on-going work of digging the pond and vide a subsequent letter dated 30.04.2025 (Annexure P-13), the BDPO

concerned had sought assessment report from the panchayat officials as regards damage caused on account of improper draining of pond.

7.1 Evidently, Smt. Parminder Rani, Sarpanch of Gram Panchayat, Bazidpur, was suspended, vide order dated 25.08.2025 (Annexure R-8) on account of causing official loss to the Government by digging a pond and demolishing the boundary wall of school playground without the approval of competent authority and even proceedings under Section 216 of 1994 Act for recovery of loss caused to the gram panchayat had been initiated against her, in furtherance to letter dated 30.04.2025 (Annexure P-13), followed by an order dated 23.06.2025 (Annexure R-7), vide which Smt. Parminder Rani, Sarpanch of Gram Panchayat Bazidpur, was called upon to deposit Rs. 12,14,703/- into the gram panchayat account, therefore, in the attending circumstances, no orders are required to be passed in this writ petition and same is accordingly, dismissed with the observation that the Gram Panchayat and/or Sarpanch Smt. Parminder Rani, if so advised, may avail their remedies against order dated 23.06.2025 (Annexure R-7), whereby recovery of Rs. 12,14,703/- has been directed under Section 216 of 1994 Act and also order dated 25.08.2025 (Annexure R-8), whereby the Sarpanch Smt. Parminder Rani, has been suspended from her post.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

04.12.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No