127 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-17236-2025 (O/M)
Date of decision : 09.12.2025

Harpreet Kaur ..... Petitioner

Versus

State of Punjab and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Amandeep Singh Jattana, 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 the order dated 12.05.2025 (Annexure P-3), passed by District Development and Panchayat Officer, Amritsar (in short 'DDPO') under Section 200 of Punjab Panchayati Raj Act, 1994 (in short '1994 Act'), whereby an Administrator has been appointed for carrying out the auction of land, belonging to Gram Panchayat, Mallowal (in short 'Gram Panchayat'), whereas Gram Panchayat itself has given the land on lease by auction dated 02.06.2025 (Annexure P-6) by passing a Resolution dated 02.06.2025 (Annexure P-5), wherein right of casting vote has been exercised by Sarpanch and due intimation in this regard has been sent to learned Deputy Commissioner, Amritsar (in short 'Deputy Commissioner') as well as DDPO, vide letter dated 02.06.2025 (Annexure P-9).

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1.1 A further prayer has been made for directing respondents No. 3 and 4 to accept resolution dated 02.06.2025 (Annexure P-5), passed by Gram Panchayat.

2. Briefly, petitioner is an elected Sarpanch of village Mallowal in the panchayat elections held on 15.10.2024 and there are seven gram panchayat members. According to the petitioner; out of 7 gram panchayat members, four gram panchayat members either refused to attend the meetings of Gram Panchayat or refused to perform their part. Said four gram panchayat members are respondents No. 6 to 9 herein, namely, Rajvir Kaur, Amandeep Kaur, Jaspal Singh and Varinder Kaur, respectively.

2.1 Petitioner claims that there were certain un-utilized amounts lying with Gram Panchayat and some panchayat fund was received for creation of passage for the houses outside the village; for solar lights; for improvement of village pond and for solid waste management. The said amounts are stated to be about Rs. 8,00,000/- and Gram Panchayat is stated to have passed a Resolution dated 02.12.2024, wherein only three gram panchayat members were present and above referred four gram panchayat members (respondents No. 6 to 9 herein) deliberately remained absent.

2.2 It is stated that thereafter, a notice dated 30.12.2024 was received from the office of Block Development and Panchayat Officer, Block Tarsikka (in short 'BDPO'), intimating that the meeting, which was to be held on 30.12.2024, would now be held on 08.01.2025.

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2.3 It is stated that thereafter another notice dated 29.01.2025 was issued by BDPO, informing that respondents No. 6 to 9 herein had submitted their affidavits that the work of Gram Panchayat be carried out by appointing a Government official. Accordingly, it is stated that BDPO called for a meeting, to be held on 04.02.2025, in his office.

2.4 It is further stated that the meeting, which was fixed for 08.01.2025, did not take place and in the subsequent meeting dated 27.01.2025, respondents No. 6 to 9 herein remained absent and same is stated to be position on 06.02.2025.

2.5 It is averred by petitioner that on 29.03.2025, a notice was published for holding a meeting of gram sabha, which is stated to have been attended by more than 350 persons of village and a resolution is said to have been passed by villagers that respondents No. 6 to 9 herein be suspended and removed from the gram panchayat since they were unwilling to carry out the development works. It is noticeable that no proceedings/resolution/notices, as mentioned above, have been placed on record for consideration of this Court.

2.6 Be that as it may, petitioner claims that she has asked for the affidavits (submitted by respondents No. 6 to 9 herein for appointment of a Government official to carry out development works), however, same were not provided and on 25.03.2025, an Administrator was appointed under Section 200 of 1994 Act. It is worth mentioning here that even copy of said order dated 25.03.2025, regarding appointment of an Administrator, is also not forthcoming in this civil writ petition.

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2.7 It is case of the petitioner that the auction of gram panchayat land is to be carried out every year, however, every effort was being made by respondents No. 6 to 9 herein in connivance with respondent No. 3 (DDPO) and respondent No. 4 (BDPO) for appointment of an Administrator. It is stated that vide order dated 12.05.2025 (Annexure P-3), an Administrator was appointed without holding any meeting.

2.8 Petitioner claims that aforesaid order dated 12.05.2025 (Annexure P-3) was never served upon her and she called a meeting of gram panchayat by issuing a notice dated 28.05.2025 (Annexure P-4), informing that the meeting of gram panchayat would be held on 02.06.2025 at 9.00 am at the common area near bus stand and further the agenda for auction of common land was circulated.

2.9 It is stated that in the meeting held on 02.06.2025, respondents No. 6 to 9 herein refused to participate and a resolution dated 02.06.2025 (Annexure P-5) was passed by petitioner alongwith other panchayat members present there, by exercising her casting vote under Section 24 (3) of 1994 Act. The amounts of successful bidders is stated to have been deposited against valid receipt (Annexure P-7) on 02.06.2025. It is stated that since some of land was left to be auctioned, accordingly, the next date of meeting was fixed for 06.06.2025 and amount so collected in auction was deposited in the bank account of gram panchayat, vide receipt (Annexure P-8). It is further stated that proceedings for holding auction were duly intimated to learned Deputy Commissioner, DDPO, vide letter dated 02.06.2025 (Annexure P-9),

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however, despite passing of resolution dated 02.06.2025 (Annexure P-5) by petitioner (while exercising her casting vote) and also the conduct of auction proceedings; order dated 12.05.2025 (Annexure P-3) regarding appointment of an Administrator was not withdrawn by authorities.

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

4. Learned counsel for petitioner submits that against order dated 12.05.2025 (Annexure P-3), passed by DDPO under Section 200 of 1994 Act, regarding appointment of an Administrator, no appeal is maintainable. It is submitted that before passing the impugned order, no inquiry was conducted by DDPO as to whether petitioner and other gram panchayat members were able to carry out the work or not. It is further submitted that while passing impugned order dated 12.05.2025 (Annexure P-3), Section 200 of 1994 Act itself has not been complied with as no time period was provided for carrying out development works. It is stated that Sarpanch has not been granted authority to operate bank account and, therefore, no development work could be carried out by sarpanch. It is next submitted that this Court has time and again held that the Administrator should not be appointed, so as to stifle the work of gram panchayat.

4.1 It is contended that impugned order dated 12.05.2025 (Annexure P-3) was never brought to notice of petitioner and the resolution dated 02.06.2025 (Annexure P-5) is not being accepted by respondents No. 3 and 4 herein on account of political reasons. It is

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further contended that the petitioner had earlier also filed a civil writ petition i.e. CWP-10548-2025, challenging a similar order dated 09.04.2025, passed under Section 200 of 1994, wherein petitioner was relegated to his remedy available under Section 201 of 1994 Act; however, said order has been challenged by petitioner by filing an intra-court appeal (LPA), which is pending consideration before this Court (see para 45 of writ petition). It is, thus, submitted that impugned order dated 12.05.2025 (Annexure P-3), passed by DDPO under Section 200 of 1994 Act is erroneous and illegal and, therefore, liable to be set aside.

5. Heard.

6. Evidently in the present case, the petitioner has persistently asserted that the order dated 12.05.2025 (Annexure P-3) was not within its knowledge at the relevant time and the resolution dated 02.06.2025 (Annexure P-5) was passed. However, a bare perusal of para 23 of the writ petition itself reveals an unequivocal admission that the said order was served upon petitioner on 01.06.2025, i.e. prior to the meeting held on 02.06.2025. The relevant extract of para 23 of civil writ petition reads as under :-

> *"23. That the order dated 12/05/2025, Annexure P-3, is never served upon the petitioner and is only served on dated 01/06/2025 and onto dated 05/06/2025 when the land is being given on yearly lease through auction by the petitioner, the matter stated in the succeeding paras. Furthermore, perusal of the provisions of Section 200 of the Punjab Panchayati Raj Act, would reveal that only in case the duties not performed under Chapter III of the Act, the*

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> *Administrator can be appointed, however, as regards the land, there is no such provision under which the administrator would be appointed. Thereby, the illegal order is passed on 12/05/2025, Annexure P-3, and the said order is never served upon the petitioner or any of the other gram panchayat members. This order is passed to please the respondents No. 6 to 9."*

6.1 Once the order dated 12.05.2025 stood duly served upon the petitioner and other members on 01.06.2025, their act of convening a meeting on 02.06.2025 and passing a resolution dated 02.06.2025 amounts to apparent defiance on the part of petitioner and other member panchayat and also an act of overreaching the process of law. The petitioner, instead of ignoring the subsisting order dated 12.05.2025, ought to have availed the appropriate statutory remedies against the order dated 12.05.2025, rather than proceeding to hold the meeting and pass the resolution in defiance thereof. Such conduct is wholly impermissible and demonstrates a conscious attempt to nullify an operative order through extraneous methods, which cannot be countenanced in law.

6.2 Further, the instant writ petition suffers from material suppression, incomplete disclosure, and deliberate withholding of essential documents. The petitioner has referred to few notices said to have been issued to the Members/Panches of the Gram Panchayat, as well as some resolutions claimed to have been passed, yet neither the notices nor the resolutions have been annexed with the petition.

6.3 More significantly, although the petitioner has relied upon the proceedings in LPA No.1171 of 2025, no copy of the order passed therein has been placed on record. Upon checking the status of

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LPA-1171-2025 on the official website of the High Court, it is revealed that the said LPA already stands disposed of on 24.09.2025, yet the petitioner has not placed on record the said order dated 24.09.2025 with the writ petition, which reads as under :-

> *"1. This order shall dispose of four appeals bearing No. LPA-1165-2025, LPA-1284-2025, LPA-1234-2025 and LPA-1171-2025 as the issue involved in these appeals are identical in nature. For the sake of brevity, facts are being taken from LPA-1165-2025.*
>
> *2. In the present appeal, challenge is to the order dated 24.03.2025 passed by learned Single Judge by which direction was given to the appellant to avail the remedy of revision under Section 201 of Punjab Panchayati Raj Act, 1994 (for short-the Act of 1994) against any grievance with regard to the order dated 04.03.2025 (Annexure P-11) passed by authority envisaged under the Act of 1994.*
>
> *3. Learned counsel for the appellant submits that though, the said question can be kept open but in the facts and circumstances of the present case, the matter can be disposed of by relegating the same back to District Development Panchayat Officer who had passed the order appointing the administrator in the respective Gram Panchayats which order had been impugned in the writ petition by the appellant who was petitioner before the learned Single Bench. He further submits that while remanding the matter back, a direction be given to the District Development Panchayat Officer to look into the aspect of casting votes by taking into consideration Section 24 (3) of the Act of 1994 and to consider the aspect whether the same can be casted, in case equal number of votes have been cast by the members (Panches/Sarpanch).*

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4. Learned State counsel submits that though the better option for the appellant for redressal of his grievance would have been that he avail the remedy before the higher authority i.e. Director under Section 201 of the Act of 1994 but as, the appellant wants to approach the same authority which had passed the order appointing administrator, the said authority will re-look into the aspect within a period of two months and appropriate order will be passed on the claim of the petitioner noticed hereinbefore.

5. Learned counsel for the appellant submits that keeping in view the statement of learned State counsel, the present appeal may be disposed of as having been not pressed any further.

6. Ordered accordingly.

7. Pending application, if any, also stands disposed of.

8. A photocopy of this order be placed on the files of other connected cases."

6.4 It is observed from the order sheets in this writ petition that the instant writ petition was filed during June vacations and the matter was got repeatedly adjourned by learned counsel for petitioner for obvious reasons to prolong the matter, awaiting some order in LPA-1171-2025. In my considered view, such non-disclosure regarding the final outcome of the LPA-1171-2025 is not a mere omission—rather, it constitutes a serious breach of the duty of candour owed by every litigant and counsel approaching the writ court under Article 226 of the Constitution.

6.5 This Court cannot countenance a situation where the jurisdiction of this Court is invoked on the basis of selective statements, incomplete facts, and intentionally withholding documents, thereby attempting to procure an order by misleading the Court. The writ remedy

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is discretionary and equitable, and a litigant found to have approached the Court with unclean hands is disentitled to such relief.

7. For the reasons recorded hereinabove, the writ petition is hereby dismissed. Although the circumstances noticed above, call for imposition of costs, however, I refrain myself from imposing any costs in this matter.

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

(HARSH BUNGER)
JUDGE

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

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