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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18659-2025 (O/M)

Date of decision : 09.07.2025

Ajit

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Nitin Bhanwala, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside the order dated 24.06.2025 (Annexure P-2), whereby the petitioner was removed as Acting Sarpanch of Gram Panchayat Karsaula, Block Julana, District Jind.

2. Briefly, previous Sarpanch of village Karsaula, namely, Shri Mahender Singh, was suspended under Section 51 of Haryana Panchayati Raj Act, 1994 (in short '1994 Act') by Deputy Commissioner, Jind. It is stated that a proposal to elect petitioner as the Acting Sarpanch of village Karsaula was passed in a meeting held on 10.12.2024 (Annexure P-1) and thereafter petitioner started functioning as the Acting Sarpanch since 11.12.2024.



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2.1 It transpires that the Block Development and Panchayat Officer, Julana, vide letter dated 24.06.2025 (Annexure P-2) informed the petitioner as regards holding of a meeting regarding handing over the charge of Acting Sarpanch of Gram Panchayat Karsaula to any other Panch. The said meeting was stated to be scheduled for 30.06.2025.

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

4. The sole argument raised by learned counsel for the petitioner is that the petitioner is duly elected as Acting Sarpanch and he cannot be removed without following the process/procedure envisaged under Section 10 of the 1994 Act, which reads as under:-

“[10. Term of office.- (1) The term of office of Sarpanch shall be five years unless removed otherwise.

(2) A Sarpanch may be removed from his office by an order of such authority, as may be prescribed consequent to a resolution passed, by not less than two-third voters of the members of the Gram Sabha present and voting cast through a secret ballot, on a date and time duration specified by such authority:

Provided that no such ballot shall be held unless a requisition in this behalf is made to the prescribed authority by not less than one-half of the total members of the Gram Sabha.

(3) On the requisition made under sub-section (2), the authority as specified in sub-section (2) shall after inquiring into the genuineness thereof, notify the date and time duration for the purpose of the secret ballot of the Gram Sabha within



a period of thirty days from the date of receipt of the requisition:

Provided that no such process shall be initiated within a period of one year from the date of election of the Sarpanch and any subsequent resolution for removal shall not be maintainable within the interval of one year of the last ballot of the Gram Sabha to consider a resolution for removal of the Sarpanch.]”

5. Heard.

6. Here it would be apposite to refer to Section 51(2) and Section 51(6) of the 1994 Act, which read as under:-

51. Suspension and removal of a Sarpanch, [-] or Panch. -

(1) The Director or the Deputy Commissioner concerned may, suspend any Sarpanch, [-] or Panch, as the case may be,-

(a) xxx xxx

(b) xxx xxx

(2) Any Sarpanch or Panch, as the case may be, suspended under sub-section (1), shall not take part in any act or proceeding of the Gram Panchayat during the period of his suspension and shall hand over the records, money or any other property of the Gram Panchayat in his possession or under his control -

(i) if he is a Sarpanch to a Panch commanding majority in the Gram Panchayat;

(ii) if he is Panch to Sarpanch;

Provided that the suspension period of a Panch, or a Sarpanch, as the case may be, shall not exceed one year from the date of handing over the charge in pursuance of the suspension order except in criminal cases involving moral turpitude.

(a to e) xxx xxx

(5) xxx xxx

(i) if he is Sarpanch to a Panch commanding majority in the Gram Panchayat; and

{(ia) if he is Sarpanch belonging to reserve category, to a Panch of that reserve category commanding majority, and if no Panch in that category is available, to a Panch of general category commanding majority in the Gram Panchayat; and}

(ii) if he is a Panch to Sarpanch.]”

(i) if he is a Sarpanch, to a Panch commanding majority in the Gram Panchayat;

(ii) if he is Panch, to Sarpanch



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7. However, as per Section 6 of the 1994 Act, whenever a vacancy occurs by death, resignation, removal or otherwise of a Panch, Sarpanch etc., (as the case may be); a new Panch, Sarpanch, etc., (as the case may be), shall be elected in the manner as may be prescribed. Section 6 of the 1994 Act, reads thus:-

6. Filling of casual vacancy. - (1) *Whenever a vacancy occurs by death, resignation, removal or otherwise of a Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, a new Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, shall be elected in the manner as may be prescribed.*

(2) *Any person elected to fill up a vacancy under this section shall hold office for the unexpired portion of the term for which the person in whose place he is elected would have otherwise continued in office.*

7.1 Further, Rule 4 of the Haryana Panchayati Raj Rules, 1995 (in short 'the 1995 Rules') prescribes the manner of filling of casual vacancy, which reads as under:-

“4. Filling of casual vacancy. [Section 6] - (1) *Whenever a vacancy occurs in a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, it shall be brought to the notice of State Election Commissioner and concerned District Election Officer (Panchayat) immediately by Block Development and Panchayat Officer concerned in case of Gram Panchayat, by the Executive Officer in case of Panchayat Samiti and by the Chief Executive Officer in case of Zila Parishad respectively. The vacancy shall be filled in accordance with the provisions of the Act and rules made thereunder.”*



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8. Coming to the case in hand, it appears from the extract of the proceedings book dated 11.12.2024 (Annexure P-1) that upon suspension of the earlier Sarpanch of Gram Panchayat Karsanda, namely, Sh. Mahender Singh; the petitioner was handed over the records, money etc., of the Gram Panchayat; in terms of Section 51 of the 1994 Act. It is noticeable that the petitioner has not placed on record any formal order regarding his appointment as ‘authorized panch’.

9. Evidently, the petitioner cannot be held to be a duly elected Sarpanch as envisaged under Section 6 of the 1994 Act read with Rule 4 of 1995 Rules; therefore the provisions contained under Section 10 of the 1994 Act which provides for ‘No Confidence Motion’ against a duly elected Sarpanch, is not attracted; accordingly the contention of the petitioner that he cannot be removed from post of Acting Sarpanch without following process/procedure as envisaged under Section 10 of 1994 Act is rejected.

10. That apart, a perusal of letter dated 24.06.2025 (Annexure P-2) would show that the tenure of the petitioner was for a limited duration, which has already expired. Further, in para 11 of the writ petition, the following averment has been made:-

“11. That it is clear from the notice received by the petitioner that the concerned officer who has issued this letter in collusion with the other group of the Gram Panchayat. The issuance of this letter in a haste manner without following the due process of law by completely overlooking the provisions laid down in the Haryana Panchayati Raj Act, 1994. The letter issued by the BDPO needs to be set aside as it has been



issued in an ill-will against the petitioner and is violative of the principal of natural justice and equity.”

10.1 A perusal of above extracted para 11 of the writ petition would suggest that there is a group of members of panchayat, who are not in support of the petitioner.

10.2 In either of the situation, i.e. either the duration of tenure of the authorized Panch has expired or the incumbent authorized Panch does not command majority in the Gram Panchayat; if a meeting had been convened for handing over the records, money or any other property of the Gram Panchayat to another authorized panch; no fault can be found with the same.

11. Keeping in view the above discussion, I find no merit in this petition and the same is accordingly, dismissed.

12. Before parting with this order, I deem it appropriate to mention that in the present case, if a casual vacancy has arisen (as envisaged under Section 6 of the 1994 Act), then in that eventuality, the authorities are required to elect a Sarpanch, panch, etc, (as the case may be) in the manner as may be prescribed and any person elected to fill up a vacancy under this said Section 6 of 1994 Act, is to hold office for the unexpired portion of the term for which the person in whose place he is elected would have otherwise continued in office. The manner prescribed for filling of a casual vacancy is envisaged under Rule 4 of the Haryana Panchayati Raj Rules, 1995.



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12.1 Evidently, no such process as envisaged under Section 6 of 1994 Act read with Rule 4 of the 1995 Rules; appears to have been initiated in this matter.

13. Let a copy of this order be forwarded to the Deputy Commissioner concerned to look into the matter and take steps, if circumstances so warrant; by directing the concerned Block Development and Panchayat Officer to proceed in terms of Section 6 of 1994 Act read with Rule 4 of the 1995 Rules, as noticed above. The aforesaid exercise be carried out within a period of one month from the date of receipt of a certified copy of this order.

14. All pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

09.07.2025
sjks/Himani

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