

2025:PHHC:171594



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

CWP-35324-2025 (O&M)
Date of decision :09.12.2025

PARAMJEET KAUR

...Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Navneet Singh, Addl. A.G., Punjab.

Mr. Gaurav Dutta, Advocate
for respondent No.7/Caveator.

HARSH BUNGER, J. [ORAL]

CM-18416-CWP-2025

This is an application for placing on record the Agreement to Sell dated 03.08.2023 (Annexure P-7); Photograph of House as Annexure P-8; Receipt dated 07.12.2024 as Annexure P-9, Receipt of Electricity Bill dated 25.09.2025 as Annexure P-10; Photograph showing the separate residence of father-in-law of present petitioner as Annexure P-11, Electricity Bill of Account No.K55KF320547X as Annexure P-12, Bill Payment receipt as Annexure P-13 and water payment receipt as Annexure P-14.

For the reasons recorded in the application, the same is allowed and Annexures P-7 to P-14 are taken on record, subject to all just exceptions.

CWP-35324-2025 (O&M)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 27.05.2025 (Annexure P-4) passed by the District Development and Panchayat Officer, District Fatehgarh Sahib, vide which, the petitioner was suspended from the post of Panch of Gram Panchayat Village Hindupur, Block Khera, District Fatehgarh; as well as order dated 25.09.2025 (Annexure P-6) passed by the learned Secretary, Government of Punjab, Department of Rural Development and Panchayat whereby, an appeal filed by the petitioner against her suspension order was dismissed.

2. Briefly, respondents No.4 to 7 submitted a complaint against the petitioner alleging that the petitioner was in an illegal possession of *panchayat* land, comprised in *khasra Nos.53(1-0) and 54(0-9)*. On the said complaint, a report was sought from the learned Tehsildar, Fatehgarh Sahib.

2.1 Learned Tehsildar, Fatehgarh Sahib, is stated to have submitted his report dated 27.02.2025, indicating that one Gurmukh Singh (father-in-law of the petitioner) had constructed house over *khasra No.53* and Sh. Kartar Singh (grand father-in-law of the petitioner) was shown in possession of *khasra No.54*. It is noticeable that a copy of the said report dated 27.02.2025 has not been attached with the writ petition.

2.2 It appears that on the basis of the complaint as well as the report referred above, notices were sent to the petitioner, who submitted her reply controverting the allegations made against her on the plea that she was not in possession of *khasra Nos.53 and 54* and that she was not residing in the house constructed over the afore-said *khasra Nos*. Petitioner maintained that she was residing separately in another house in Village

Hindupur, purchased by her husband from one Sh. Gurinderpal Singh Bains vide Agreement to Sell dated 03.08.2023.

2.3 It transpires that the District Development and Panchayat Officer, vide order dated 27.05.2025 (Annexure P-4) suspended the petitioner from the post of Member Panchayat (Panch) under Section 20(4) of the Punjab Panchayati Raj Act, 1994 (in short 'the 1994 Act').

2.4 Feeling aggrieved, the petitioner challenged her suspension order by filing an appeal before the learned Secretary, Government of Punjab, Department of Rural Development and Panchayat, which has been dismissed vide order dated 25.09.2025 (Annexure P-6).

2.5 In the afore-mentioned circumstances, the present petition has been filed by the petitioner, seeking relief, as noticed here-in-above.

3. Learned counsel for the petitioner has submitted that the impugned orders are contrary to the facts inasmuch as that the petitioner is neither in un-authorized possession of any *panchayat* land nor she is residing in the house constructed over *khasra* Nos.53 and 54. It is contended that the petitioner along with her husband and children, is residing separately in another house purchased by her husband vide Agreement to Sell dated 03.08.2023 (Annexure P-7), which has a separate electricity and water connection. Learned counsel for the petitioner has referred to the photographs (Annexure P-8) of the house, which is said to have been purchased by her husband. It is contended that the petitioner is being targeted on account of party faction in the village. On the basis of the afore-said submissions, prayer has been made for setting aside the impugned orders.

4. Per contra, learned counsel appearing for the caveator/respondent No.7 has opposed the afore-said submissions raised on

behalf of the petitioner. He has handed over a copy of the complaint submitted against the petitioner along with letter dated 03.03.2025 issued by the Block Development and Panchayat Officer, Khera, recommending action against the petitioner and also a photocopy from the voters' list of Village Hindupur; electricity bills in the name of the petitioner and her husband-Harjit Singh along with receipt issued by the Water Supply Department, in Court today, which are taken on record, subject to all just exceptions.

4.1 Learned counsel for the caveator has referred to the complaint submitted against the petitioner wherein, specific allegation was made that the petitioner was in illegal possession of *panchayat* land, comprised in *khasra Nos.53(1-0) and 54(0-9)*, where a house has been constructed and the petitioner was residing therein. In the complaint, it is mentioned that in the above-said house, an electricity connection was installed in the name of the petitioner and the water connection was in the name of her husband-Harjit Singh. Further reference was made to the voters' list of Village Hindupur to indicate that the petitioner along with her husband and her father-in-law (Gurmukh Singh) were residing in the same House No.12. It was submitted that the possession of the petitioner over the above-referred house constructed on the *panchayat* land was duly established and therefore, there is no error in the impugned orders. Accordingly, prayer for dismissal of the writ petition has been made.

5. Heard.

6. In the present case, the petitioner was elected as a Member Panchayat from Ward No.5. On the basis of the complaint submitted against the petitioner that she was in illegal possession of *panchayat* land comprised in *khasra Nos.53 and 54*; a report was sought from the Revenue

Authorities whereupon, the concerned Naib Tehsildar submitted his report dated 27.02.2025 wherein, it was stated that as per the Revenue Record, the afore-said *khasra Nos.* were shown in possession of Gurmukh Singh, who was the father-in-law of the petitioner and upon inquiries from the respectables, it was found that now the petitioner was in possession of *khasra Nos.53 and 54*, which is the ownership of Nagar Panchayat. On the basis of the afore-said complaint as well as the report, notices were issued to the petitioner to which, she submitted her reply denying the allegations. Thereafter, the District Development and Panchayat Officer, Fatehgarh Sahib called upon the petitioner to appear before him to explain her part; however, the petitioner failed to appear, accordingly, on the basis of material placed on the file, the District Development and Panchayat Officer, suspended the petitioner from the post of *Member Panchayat* vide order dated 27.05.2025 (Annexure P-4) which has been further affirmed in appeal vide order dated 25.09.2025 (Annexure P-6).

7. During the course of hearing of this petition, attention of learned counsel for the petitioner was drawn towards the averments made in para No.6 of the writ petition, which reads as under :-

“6. That it is submitted that with regard to the above said fact that the petitioner is residing separately and said House was constructed on the Khasra Nos.53 & 54 which has been constructed since from more than 50 years and the private respondents as well as official respondents were failed to prove in their case and put the petitioner under suspension due to political rivalry. The affidavit with regard to separate residence of appellant has been given by brother-in-law of petitioner. Copy of the Affidavit dated 06.05.2025 is annexed herewith as Annexure P-3.

7.1 Thereafter, the contents of affidavit (Annexure P-3) submitted by petitioner's brother-in-law namely, Pardeep Singh were referred, wherein, the following stand has been taken in para Nos.2 to 5 thereof :-

“2. That my father Gurmukh Singh had constructed a house in village Hindupur about 50 years ago, in which our entire family was living jointly.

3. That now after family partition, said house came in my share, now the deponent and his family is living in this house. My brother Harjit Singh has no concern with my house.

4. That we both brothers have mutually partitioned the agricultural tools and nothing is balance between both brothers against each other.

5. That Harjit Singh has constructed his own separate house after said mutual partition. Harjit Singh is living in his separate house.”

7.2 Upon a bare reading of the above-extracted affidavit (Annexure P-3), it is made out that the petitioner's brother-in-law and petitioner's husband-Harjit Singh were residing together with entire family jointly in the house, which is stated to be constructed by Sh. Gurmukh Singh (father-in-law of the petitioner) about 50 years ago. It is stated in the affidavit that the petitioner's husband and petitioner's brother-in-law have carried out family partition in which the house in question has come to the share of petitioner's brother-in-law namely, Pardeep Singh. It is noticeable that there is no date mentioned in the affidavit (Annexure P-3) as to when the family partition took place and since when the petitioner's husband along with his family (including petitioner) is residing separately in a separate house. In my considered view, the above extracted affidavit (Annexure P-3) is vague and does not advance the claim of the petitioner.

7.3 Further, in voters' list of village Hindupur, concededly the

petitioner along with her husband and father-in-law Gurmukh Singh are shown to be residing in the same House No.12.

7.4 Hon'ble the Supreme Court in ***Janabai vs Additional Commissioner, 2018(18) SCC 196***, while considering an issue "*whether the forums below as well as the High Court is justified in disqualifying the appellant for continuing as a member of the Gram Panchayat Kalamba (Mahali) on the ground that there has been encroachment upon the government land since 1981 by her father-in-law and husband and she is using the said land*", held as under:-

"29. We may note here with profit that the word 'person' as used in Section 14 (1) (j-3) is not to be so narrowly construed as a consequence of which the basic issue of "encroachment" in the context of disqualification becomes absolutely redundant. The legislative intendment, as we perceive, is that encroachment or unauthorized occupation has to be viewed very strictly and Section 53, therefore, provides for imposition of daily fine. It is also to be borne in mind that it is the Panchayat that has been conferred with the power to remove the encroachment. It is the statutory obligation on the part of the Panchayat to protect the interest of the properties belonging to it. If a member remains in occupation of an encroached property, he/she has a conflict of interest. If an interpretation is placed that it is the first encroacher or the encroachment made by the person alone who would suffer a disqualification, it would lead to an absurdity. The concept of purposive interpretation would impel us to hold that when a person shares an encroached property by residing there and there is continuance, he/she has to be treated as disqualified. Such an interpretation subserves the real warrant of the provision..."

7.5 When the above extracted averments made in the affidavit (Annexure P-3) along with the contents of para No.6 of the writ petition and also the voters' list of village Hindupur, are considered in the light of observations made by Hon'ble the Supreme Court in *Janabai's* case (*supra*), it *prima facie* appears that at the relevant time, the petitioner along with her husband, was residing in the house constructed over *khasra Nos.* 53 and 54, which belongs to the *Nagar Panchayat*.

8. At this stage, learned counsel for the petitioner has referred to the Agreement to Sell dated 03.08.2023 (Annexure P-7) to contend that the petitioner is residing separately in the house purchased by her husband vide said Agreement (Annexure P-7). I have gone through the Agreement to Sell dated 03.08.2023 (Annexure P-7), which is an un-registered agreement. In my considered view, the agreement to sell would not confer any title on the husband of the petitioner. Furthermore, in the said agreement, there is a specific recital that the possession of the house has been handed over to the purchaser; whereas, in terms of Section 17(1-A) of the Registration Act, any document evidencing delivery of possession is required to be compulsorily registered. Therefore, the above-referred un-registered Agreement to Sell dated 03.08.2023 (Annexure P-7) would not advance the case of the petitioner.

9. Considering the totality of circumstances, I find no error in the impugned orders whereby, the petitioner was suspended from the post of *Member Panchayat*.

10. At this stage, learned State counsel has also informed that a regular enquiry has already been initiated against the petitioner and that the same is likely to be concluded shortly.

11. Keeping in view the above, I see no compelling reason, which

may warrant interference by this Court. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

12. All pending applications (if any) shall also stand closed.

December 09, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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