

160 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8443-2026 (O/M)
Date of decision : 19.03.2026

Ramesh Kumar and others Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Satyaveer Singh and
Mr. Abhyudaya Paliwal, Advocates
for the petitioners.

Mr. Pankaj Mulwani, Senior DAG Haryana.

Mr. Deepak Sharma, Advocate
for respondent No. 18.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is inter-alia, for issuance of a writ in the nature of mandamus for directing respondents No. 1 to 17 to seize Panchayat records immediately so that further tampering can be prevented and the records should be taken and audited; all bank accounts of Gram Panchayat, Gawalra should be frozen with immediate effect and immediate action should be taken against respondent No. 18 on charges of forgery, corruption and other illegal acts and a detailed inquiry should be conducted on the complaint dated 23.04.2025/21.04.2025 (Annexure P-18), submitted by petitioners.

2. In para 23 to 27 of the writ petition, the petitioners have made the following averments:-

“23. That the petitioners had earlier filed the writ petition bearing no. CWP 14922/2025 seeking appropriate writs, orders and directions against the respondent authorities on account of serious illegalities, misuse and misappropriation of Panchayat funds, abuse of official position and other nefarious activities allegedly committed by the Sarpanch of Village Gawalra, District Panipat, coupled with complete inaction and dereliction of duty on the part of the statutory authorities.

24. That the said writ petition came up for hearing before this Hon'ble Court on 28.05.2025. During the course of hearing, learned counsel appearing on behalf of the State placed on record an application bearing Office Memo No. 3046 dated 27.05.2025, wherein it was stated that the inquiry into the allegations was marked by the concerned Deputy Commissioner to the Sub-Divisional Officer (Upmandal Adhikari), though the same was stated to be pending before the Sub-Divisional Magistrate (Upmandal Dandadhikari). True copy of the said application is annexed herewith as Annexure P-23.

25. That in view of the aforesaid categorical statement made on behalf of the State authorities, and under the bona fide belief that a fair, meaningful and time-bound inquiry would be conducted culminating into appropriate action in accordance with law, the petitioners did not press the writ petition any further. Consequently, this Hon'ble Court was pleased to dispose of the writ petition as withdrawn vide order dated 28.05.2025. True copy of the order dated 28.05.2025 is annexed herewith as Annexure P-24.

26. That it is respectfully submitted that the withdrawal of the writ petition was neither unconditional nor voluntary in the strict sense, but was wholly premised upon and induced by the representation and assurance made by the State authorities before this Hon'ble Court that the allegations

raised by the petitioners were under inquiry and would be dealt with strictly in accordance with law.

27. That subsequent to the passing of the order dated 28.05.2025, no meaningful, effective or lawful inquiry has been conducted till date. Instead, the record reveals that the matter has merely been transferred from one authority to another, without any adjudication, conclusion, accountability or even communication to the petitioners. After the order dated 28.05.2025, the Deputy Commissioner, Panipat, vide letter dated 02.07.2025, marked the inquiry to the Deputy CEO, Zila Parishad, Panipat. However, despite repeated complaints and representations, no action whatsoever was taken by the Deputy CEO, Zila Parishad. Aggrieved thereby, the petitioners submitted a detailed complaint dated 19.09.2025 before the Deputy Commissioner seeking timely action in the corruption inquiry, but to no avail. Thereafter, the Deputy CEO, Zila Parishad was transferred and for several months no officer assumed charge, resulting in complete administrative paralysis. The petitioners again approached the Deputy Commissioner vide complaint dated 11.11.2025, but even then no action was taken. Ultimately, the inquiry was arbitrarily and illegally transferred to the Managing Director, Sugar Mills, Panipat, who has no statutory jurisdiction, role or concern with the subject inquiry. True copies of letter dated 02.07.2025, complaint dated 19.09.2025 and complaint dated 11.11.2025 are annexed herewith as Annexure P-25 to P-27 respectively.”

3. Learned State counsel has brought to the notice of this Court that after the passing of the order dated 28.05.2025 by this Court in CWP-14922-2025; the petitioners had filed a contempt petition (COCp-5040-2025) before this Court; however, the same was withdrawn on 09.10.2025. Thereafter, it is submitted that the petitioners filed an

application bearing CM-2628-2026 in CWP-14922-2025; seeking revival of the writ petition on the same grounds on which the present writ petition has been filed; however, the said application was dismissed by this Court vide order dated 23.02.2026. It is submitted that the petitioners have very conveniently concealed the factum of filing of application bearing CM-2628-2026 in CWP-14922-2025 and also the dismissal thereof by this Court vide order dated 23.02.2026. It is thus submitted that the petitioners have not come to this Court with clean hands; accordingly, prayer for dismissal of writ petition has been made.

4. Heard.

5. During the course of hearing of this petition, learned counsel for the petitioners was unable to dispute the filing of contempt petition (COCP-5040-2025) before this Court, which was withdrawn on 09.10.2025. It is also not disputed that the petitioners filed an application bearing CM-2628-2026 in CWP-14922-2025; seeking revival of the writ petition on the same grounds on which the present writ petition has been filed. Evidently, the said application bearing No. CM-2628-2026 in CWP-14922-2025; seeking revival of the said writ petition was dismissed by this Court vide order dated 23.02.2026; the relevant extract of which reads as under:-

“CM-2628-CWP-2026:

Present application has been filed by applicants/petitioners, seeking recall of the order dated 28.05.2025 passed in main writ petition bearing CWP No.14922 of 2025. The operative part of the order dated 28.05.2025, reads as under:-

“3. During the course of hearing of this writ petition, learned State counsel has handed over a

copy of letter bearing office memo No. 3046 dated 27.05.2025, which is taken on record, subject to all just exceptions. Copy(ies) thereof have also been supplied to the counsel opposite in Court today, itself.

3.1 While referring to letter bearing office memo No. 3046 dated 27.05.2025, learned State counsel, on instructions from Mr. Rajesh Kumar, District Development and Panchayat Officer (DDPO), Panipat, submits that as regards the allegations levelled against respondent No. 18 (Deepak Sharma), an enquiry has already been marked by the concerned Deputy Commissioner, which is stated to be pending before the Sub Divisional Officer (Civil), Israna and a further direction has been issued to freeze the Bank account as well.

4. At this stage, learned counsel for the petitioners submits that since the requisite action has already been initiated against respondent No. 18 (Deepak Sharma), he may be permitted to withdraw the present writ petition. He further submits that certain records pertaining to the Gram Panchayat are required to be inspected by the petitioners, however, the said request has not been acceded to by the officials of the Panchayat Department. Accordingly, it is prayed that necessary directions in that regard be issued.

5. Keeping in view the above, the present writ petition is dismissed as withdrawn.

5.1. Concededly, the petitioners herein are member Panchayat/ Panches. In case the petitioners submit any application before the concerned Officer for inspection of the Panchayat records; the concerned Officer would consider

such application and pass necessary order thereon.

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

2. Learned counsel for the applicants/petitioners submits that subsequent to the passing of above-extracted order dated 28.05.2025, no meaningful, effective or lawful inquiry has been conducted till date and the matter has been transferred from one authority to the another. It is submitted that, the applicants/petitioners have submitted various complaints (Annexures P-31 to P-34) to various authorities, however, no action has been taken against Sarpanch Deepak Sharma. It is further stated that the three of the applicants/petitioners namely Ramesh, Rinku and Rakesh have been suspended from the post of Panch on the false allegation of illegal occupation of Panchayat land and another applicant/petitioner namely Monika has been suspended on that pretext of absence from meetings. It is further submitted that applicants/petitioners had also filed a contempt petition (COC-P-5040-2025) before this Court, however, the same was withdrawn on 09.10.2025 (Annexure P-37).

3. In view of the aforementioned circumstances, instant application has been filed, seeking recall of the order dated 28.05.2025.

4. Heard.

5. A perusal of the order dated 28.05.2025 would show that the applicants/petitioners had filed the writ petition bearing CWP No. 14922 of 2025, seeking an action against respondent No.18 – Deepak Sharma, Sarpanch of village Gawalra, Tehsil Israna, District Panipat. It has been specifically recorded in the order dated 28.05.2025 that an inquiry as regards the allegations levelled against respondent No.18 has already been marked and even the bank accounts have been frozen and even prayer of the

petitioners for inspection of the Panchayat records was also granted. Applicants/petitioners allege that despite the inquiry having being marked against respondent No.18, no action has been taken.

6. *It is noticeable that applicants/petitioners had filed a contempt petition alleging non-compliance of the order dated 28.05.2025, however the same was dismissed as withdrawn.*

7. *A perusal of the instant application would show that the applicants/petitioners are primarily agitated over their suspension from the post of Member Panchayat and in order to settle their score, the present application has been filed as an attempt to somehow, impress upon the authorities to take an action against respondent No.18.*

8. *In my considered view, the aforesaid approach of the applicants/petitioners is untenable in law. Once, an inquiry into the allegations levelled against respondent No.18 has already been marked by the concerned Deputy Commissioner; now merely, because some action has been taken against the applicants/petitioners, they cannot be permitted to settle their scores by filing application before this Court seeking acceleration of the inquiry proceedings initiated against respondent No. 18. In case, the applicants/petitioners are aggrieved against any action taken against them, they are at liberty to avail their remedies, in accordance with law.*

9. *In view of the above, I find no merit in the application and the same is accordingly dismissed...”*

6. Apparently, in the present writ petition, there is no mention of the fact that the petitioners filed an application bearing CM-2628-2026 in CWP-14922-2025; seeking revival of the said writ petition on the same grounds on which the present writ petition has been filed; which was dismissed by this Court vide order dated 23.02.2026.

7. In the afore-mentioned facts and circumstances, I am of the considered view that the petitioners have not approached this Court with clean hands as they have conveniently concealed the factum of filing of application (CM-2628-2026) in CWP-14922-2025; seeking revival of the said writ petition on the same grounds on which the present writ petition has been filed. Further, even the factum of dismissal of the said application (CM-2628-2026) in CWP-14922-2025; by this Court vide order dated 23.02.2026 has been concealed. Such conduct on the part of the petitioners is deprecated. Resultantly, the instant writ petition is dismissed with costs of Rs. 25,000/-, to be paid by the petitioners, in the account of Punjab and Haryana High Court Bar Association Lawyers' Family Welfare Fund (Account No. 41564846387, SBI High Court Branch).

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

(HARSH BUNGER)
JUDGE

19.03.2026
sjks

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