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

CWP-PIL-83-2026

Date of Decision: 06.04.2026

RASHID KHAN

... PETITIONER

Versus

STATE OF HARYANA AND OTHERS

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Vinay Kumar Pandey Advocate (arguing counsel)
for the petitioner.

Mr. Neeraj Gupta, Addl. Advocate General, Haryana.

SANJIV BERRY, J.

1. The instant writ petition under Article 226/227 of the Constitution of India has been preferred by the petitioner seeking writ of Mandamus directing respondents to declare the election of respondents No.6 to 11 for the post of Member of Gram Panchayat as invalid, for refusal to take an oath of allegiance in view of the provisions of Section 4 of Haryana Panchayati Raj Act, 1994.

2. The petitioner essentially seeks declaration to declare the elections of respondent No.6 to 11 as Members Gram Panchayat Baikhera, District Nuh to be invalid on the ground of not taking oath of allegiance in view of Section 4 of Haryana Panchayati Raj Act, 1994. Hence the petition.

3. The learned State counsel has referred to the Annexures alongwith affidavit of Block Development & Panchayat Officer Ferozepur Zirka, Nuh dated 17.07.2024 filed in CWP No. 8056 of 2023 to say that oath of allegiance



was duly administered to respondent No.6 to 11 on 03.12.2022, this fact is however disputed by the learned counsel for the petitioner.

4. In the instant petition, the dispute raised is qua disqualification of respondent No.6 to 11 to continue as Members of Gram Panchayat, the remedy for which is squarely available under Section 177 of Haryana Panchayati Raj Act, 1994.

5. Section 177 of the Haryana Panchayati Raj Act, 1994 is reproduced here as under:-

“ 177. Disqualification for continuing as members:- (1) If any member of a Gram Panchayat, Panchayat Samiti or Zila Parishad—

(a) who is elected, as such, was subject to any of the disqualifications mentioned in section 175, at the time of his election ;

(b) during the term for which he has been elected, incurs any of the disqualifications, mentioned in section 175, shall be disqualified from continuing to be a member, and his office shall become vacant.

(2) In every case, the question whether a vacancy has arisen shall be decided by the Director. The Director may give its decision either on an application made to it by any person, or on its own motion. Until the Director decides that the vacancy, has arisen, the members shall not be disqualified under sub-section (1) from continuing to be a member. Any person aggrieved by the decision of the Director may, within a period of fifteen days from the date of such decision, appeal to the Government and the orders passed by Government in such appeal shall be final :

Provided that no order shall be passed under this sub-section by the Director against any member without giving him a reasonable opportunity of being heard.”



6. In the instant writ petition, the petitioner is essentially sought a writ of Mandamus to declare the elections of the private respondents No. 6 to 11 as invalid for which, petitioner has appropriate remedy available under Section 177 of the Haryana Panchayati Raj Act, 1994.

7. Thus, in the light of the above, we refrain from entertaining the petition under Article 226 of the Constitution of India in the light of the alternative remedy available to the petitioner under Section 177 of the Haryana Panchayati Raj Act, 1994 and dispose of the instant writ petition with liberty to the petitioner to move an appropriate application, if so desired, to the Director within two weeks from today, as per Section 177 of the Haryana Panchayati Raj Act, 1994 and if such application is made within time, the Director, is directed to consider and dispose of the same in accordance with law, within 4 weeks thereafter by passing speaking order.

8. With the aforesaid liberty, the instant writ petition is disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 06.04.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No