

129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13431-2026 (O/M)
Date of decision : 01.05.2026

Butta Singh Sarpanch (under suspension) Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. N.P.S. Mann, Advocate
for the petitioner.

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

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HARSH BUNGER, J. (ORAL)

1. Prayer in this 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 order dated 27.11.2025 (Annexure P-12), passed by learned Director, Department of Rural Development and Panchayats, Punjab (in short 'Director, Rural Development and Panchayats'); whereby petitioner has been suspended from the post of Sarpanch of Gram Panchayat Laleana, Block Talwandi Sabo, District Bathinda.

1.1 A further prayer has been made for setting aside order dated 12.03.2026 (Annexure P-14), passed by learned Administrative Secretary, Department of Rural Development and Panchayats, Punjab (in short 'Administrative Secretary'); whereby an appeal filed by petitioner against his suspension order dated 27.11.2025 (Annexure P-12), has been dismissed.

2. Briefly, the petitioner is stated to have been elected as a Sarpanch of Gram Panchayat Laleana in the elections, held in the State of Punjab on 15.10.2024. Petitioner submits that on account of party faction in the village, a complaint was filed against the petitioner, alleging that the petitioner is in illegal possession of passage, comprised in Khasra No. 149 (Gair Mumkin Rasta) as he had raised construction of his house. Another allegation was made against petitioner that he had also illegally encroached upon watercourse (khal) of canal department, which is situated in Khasra No. 144.

2.1 It appears that on the basis of aforesaid complaint(s), a demarcation was carried out in respect of Khasra No. 149 and a report dated 16.09.2025 (Annexure P-1) was submitted in that regard, the relevant extract of which reads as under :-

“Report of demarcation regarding letter no. 1013 dated Subject: 21/8/2025 of the office of Sub Divisional Engineer,, Construction Sub Division No. 3, Bhatem Branch, Bathinda, for demarcation of illegal possession at Village Laleana over Bhagi Bander road, situated at village Laleana, Tehsil Talwandi Sabo, District Bathinda

Today, I reached at Village Laleana for conducting demarcation. Patwari Halqa brought the records. The Patwari halqa had already informed the concerned parties about this demarcation. The concerned parties and the concerned department is present on the spot. The persons present on the spot were asked about any stay order but no one produced any order of stay in this regard. The applicant had made arrangements of DGPS machine at his own level. The persons present on the spot were asked about the pucca point (pucca pathar). The persons present considered the stones at Khasra no. 40//1 and 52//1 as correct. So by

keeping those stones are correct, the boundaries were marked. The applicants stated that they want to get the demarcation of only 2 killas conducted with regard to the road from Laleana to Bhagi Bander. Under his signatures of consent, the signatures of J.E. Prabhjot Singh were also taken. So as per the consent of the applicant, the boundaries of Khasra no. 149 were got marked. The persons present on the spot put their signatures/thumb impressions over the presence sheet. The site plan as per record is attached alongwith. The demarcation report is presented for further action.”

2.2 From a perusal of report alongwith site plan, it is borne out that some area out of Killa No. 67//2 and 52//23/2 is stated to be encroached upon by Shri Bhagwant Singh son of Shri Jugraj Singh, who is none other, but father of petitioner.

2.3 Similarly, even the watercourse (khal) situated in Khasra No. 144 has been demarcated at the site and from a perusal of report as well as site plan, it is made out that some area out of Killa No. 41/21, 41//22/1 and 41//23/2/2 has been encroached upon by Jugraj Singh son of Bhag Singh; Gurjant Singh son of Jugraj Singh; Anter Singh son of Jugraj Singh and Bhagwant Singh son of Jugraj Singh. It is noticeable that Bhagwant Singh son of Jugraj Singh is father of petitioner-Butta Singh; whereas other encroachers are his relatives only.

2.4 It transpires that subsequently on an application submitted by complainant party, even the name of petitioner was included in the list of encroachers.

2.5 On the other hand, on a complaint being filed before panchayat department, the concerned Block Development and Panchayat Officer, vide order dated 14.10.2025 (Annexure P-7), made

recommendation under Section 208 (k) of Punjab Panchayati Raj Act, 1994 (in short '1994 Act') to initiate proceedings against petitioner (Butta Singh, Sarpanch, Gram Panchayat Lalaena).

2.6 It appears that thereafter, a notice dated 15.10.2025 was issued to petitioner, to which petitioner submitted his reply dated 23.10.2025 (Annexure P-8); wherein he has, inter alia, taken the following stand :-

“2. That the allegation of illegal possession over Khasra No. 144, Gair Mumkin Khal, is totally wrong, baseless and politically motivated because I do not have any possession over the said land and even my illegal possession was not found in the demarcation report. My name is not entered as illegal occupier in the demarcation, but later on under political pressure, my name was entered as illegal occupier in the demarcation report. I do hereby present the first demarcation report in which my name is not entered. In the family partition, the land adjoining to Khasra No. 144 has come to the share of my Taya (uncle) Gurjant Singh and no boundary of my fields is common with the Khasra no. 144. The copy of family partition is attached along with. So the allegations of illegal possession leveled against me are wrong and false and have been leveled due to political pressure. This demarcation has not been done by the Gram Panchayat and thus is wrong.....”

2.7 A perusal of above extracted reply filed on behalf of petitioner would clearly indicate that he has clearly admitted unauthorized possession of his relatives, namely, Gurjant Singh (Taya-Uncle) by stating that in a family partition, the said share has gone to Gurjant Singh.

2.8 Considering the aforesaid response, the concerned District Development and Panchayat Officer recommended action against petitioner and forwarded the matter to learned Director, Rural Development and Panchayats.

2.9 Thereafter, a notice dated 07.11.2025 (Annexure P-10) was again issued to petitioner by the office of Director, Rural Development and Panchayats, to which the petitioner submitted his reply dated 13.11.2025 (Annexure P-11), reiterating his earlier stand.

2.10 Director, Rural Development and Panchayats, after considering the matter, passed an order dated 27.11.2025 (Annexure P-12), suspending the petitioner from the post of Sarpanch.

2.11 Feeling aggrieved against his suspension order dated 27.11.2025 (Annexure P-12), petitioner preferred an appeal under Section 20 (6) of 1994 Act, which has also been dismissed, vide order dated 12.03.2026 (Annexure P-14).

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

4. I have heard learned counsel for petitioner and perused paper-book with his able assistance.

5. Apparently, there were complaints against the petitioner as regards illegal occupation over an area, which is part of passage/road as well as watercourse (khal). The demarcation of said area has been carried out; wherein illegal encroachment of some part of area of passage/road as well as watercourse (khal) has been found to be that of Shri Bhagwant Singh son of Shri Jugraj Singh, who is none other, but father of petitioner.

5.1 It is nowhere stated by the petitioner in the entire petition that the petitioner is having no concern with his father or that he is not residing with his father Bhagwant Singh.

5.2 Recently, in ***Janabai vs Additional Commissioner, 2018(18) SCC 196***, Hon'ble Supreme Court 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...”

5.3 When the case in hand is considered in the light of observations made by Hon'ble Supreme Court in the case of ***Janabai's case*** (supra), even if the plea of the petitioner is to be taken into consideration that he is not in unauthorized possession of any land, even then the fact remains that his own father as well as relatives etc. are in unauthorized possession of panchayat land as well as water (khal) canal department.

6. Learned State counsel has informed the Court that a regular inquiry has already been marked into the matter, which is likely to be concluded shortly.

7. Having considered the matter in its entirety, I see no compelling reason to take a different view that one taken by authorities below, suspending the petitioner from the post of Sarpanch pending regular inquiry; however, in the peculiar facts and circumstances of the case, I deem it appropriate to direct that let the regular inquiry initiated against the petitioner be concluded within a period one month from today, after affording due opportunity of hearing to petitioner and all concerned parties.

8. In view of the above discussion, the instant civil writ petition is dismissed; with the aforesaid observations.

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

(HARSH BUNGER)
JUDGE

01.05.2026
sjks

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