



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

135

CWP-14468-2026 (O&M)
Date of Decision: 08.05.2026

Satpal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Onkar Rai, Advocate, for the petitioner.

HARSH BUNGER J. (ORAL)

Prayer in the present civil writ petition, filed under Articles 226/227 of Constitution of India, is for issuance of a writ in the nature of Certiorari for setting aside the order dated 10.10.2025 (Annexure P-10) passed by respondent No.3-learned Deputy Commissioner, Faridabad, District Faridabad, whereby the petitioner has been removed from the post of Panch of village Deeg, District Faridabad.

1.1 A further prayer has been made for setting aside the order dated 04.05.2026 (Annexure P-17) passed by respondent No.2-learned Divisional Commissioner, Faridabad, District Faridabad, vide which an appeal filed by the petitioner against his removal order, has been dismissed.

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

3. The order dated 10.10.2025 (Annexure P-10), reads as under: -

“On the basis of the Demarcation Report dated 06.06.2023 and the Eviction Order dated 04.07.2025 passed by the Court of the Assistant Collector, 1st Grade-cum-Sub Divisional Officer (C), Ballabgarh, against Shri Satpal, confirming his illegal



occupation of Panchayat land in Eviction Case No.83/Collector, Ballabgarh dated 07.01.2025, it stands clearly established that Shri Satpal, Panch, Ward No.1, Gram Panchayat Deeg, Block Ballabgarh, is in unauthorized possession of Panchayat land measuring 102 square yards, situated at Firni No.90.

Shri Satpal, Panch, Ward No.1, Gram Panchayat Deeg, was granted an opportunity of personal hearing on 08.07.2025, during which he submitted his written reply. However, he failed to produce any substantive evidence to refute or disprove the finding of encroachment upon the said parcel of Panchayat land.

As per Section 175(n) of the Haryana Panchayati Raj Act, 1994; “No person shall be a Sarpanch or a Panch of a Gram Panchayat if he has been in unauthorized possession of land or other immovable property belonging to the Gram Panchayat at any time during the period of one year immediately preceding the date of election.”

In view of the above and on account of his continued illegal encroachment on Panchayat land, Shri Satpal, Panch, stands disqualified from holding the post of Panch of Gram Panchayat Deeg under the provisions of Section 175(n) of the said Act.

Accordingly, I, Vikram, I.A.S., Deputy Commissioner, Faridabad, in exercise of the powers conferred under Section 51(1) of the Haryana Panchayati Raj Act, 1994, hereby order that Shri Satpal, Panch, Ward No.1, Gram Panchayat Deeg, is removed from the office of Panch with immediate effect, being disqualified under Section 175(n) of the said Act.”

3.1. The aforesaid removal order has been further affirmed by the learned Commissioner, Faridabad Division, Faridabad, vide order dated 04.05.2026 (Annexure P-17), the relevant extract thereof reads as under: -

“After hearing the arguments of both the parties and after perusing the record of the lower officer, it was found that demarcation of the disputed land was got conducted, in which his illegal possession was found, on the basis of which the Gram Panchayat filed an eviction petition against the Appellant. Vide order dated 04.11.2025, the Assistant Collector 1st Grade,



Ballabgarh, after providing opportunities of hearing to the Appellant, evicted him on the basis of demarcation dated 06.06.2029 (correct date is 06.06.2023). At the time of hearing of the present appeal, this fact was also stated by the appellant himself that one demarcation of the disputed area had been conducted on 12.06.2016, in which the name of the grandfather of the Appellant had been shown as an illegal occupant. Upon this, the Presiding Officer told the counsel for the Appellant to vacate the illegal possession. The the counsel/Appellant himself present replied that he alone cannot leave the illegal possession, because his father has other brothers also.

From this, it becomes clear that the disputed area, which is ownership of the Gram Panchayat, has been under illegal possession for a long time. The above said area has been divided among the family members of the Appellant, and Appellant also, accordingly, is in possession of the above said area by way of illegal possession according to his share.

In view of the above facts, the appeal of the Appellant, being found contrary to the facts/evidence, is dismissed. The order under appeal is a speaking order passed on the basis of evidence, which is maintained.

Order pronounced. One copy of the order be sent along with the record to the lower officer, and the file be consigned to the record room.”

4. A perusal of the above extracted orders passed by the authorities below would indicate that the petitioner has been removed from the post of Panch under Section 51 and Section 175(n) of the Harayna Panchayati Raj Act 1994 (in short ‘1994 Act’); primarily on the ground that he is in unauthorized possession of Panchayat land regarding which, an eviction order dated 04.07.2025 (Annexure P-4) already stands passed against the petitioner.
5. Here it would apposite to refer to Section 51(3) and Section 175(n) 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,-

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xxxxx

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3. The Director or the Deputy Commissioner concerned may, after such enquiry as he may deem fit and after giving an opportunity of being heard to a Sarpanch or a Panch, as the case may be, ask him to show cause against the action proposed to be taken against him, and by order remove him from his office -

(a) if after his election he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period exceeding six months;

(b) if he was disqualified to be a member of the Gram Panchayat at the time of his election;

(c) if he incurs any of the disqualifications mentioned in Section 175 after his election as member of the Gram Panchayat;

(d) if he is absent from five consecutive meetings of the Gram Panchayat without prior permission or leave of Gram Panchayat; and

(e) if he has been guilty of misconduct in the discharge of his duties and his continuance in the office is undesirable in the public interest.

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175- Disqualifications.-- No person shall be a Sarpanch, or a Panch of a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who-

(a) to (m)

xxxxx

xxxxx

(n) is or has been during the period of one year preceding the date of election, in unauthorized possession of land or other immovable property belonging to the Gram Panchayat, Panchayat Samiti or Zila Parishad; or”



6. During the course of hearing of this petition, learned counsel for the petitioner has not denied that vide order dated 04.07.2025 (Annexure P-4), the petitioner has been evicted from the land comprised in Khasra No.90 and Khasra Nos.110 & 130, which belong to the Gram Panchayat. It is also not disputed before this Court that till date the petitioner has not raised any challenge to the aforesaid eviction order dated 04.07.2025 (Annexure P-4).

7. Keeping in view the aforesaid circumstances, once an eviction order has already been passed against the petitioner, which has not been challenged by him till date and to that extent the same has attained finality qua the petitioner, I see no illegality or perversity in the orders passed by the learned Deputy Commissioner as well as the learned Divisional Commissioner, Faridabad, whereby the petitioner has been removed from the post of Panch in terms of Section 51 read with Section 175(n) of the Haryana Panchayati Raj Act 1994.

8. Resultantly, the instant petition fails and is accordingly dismissed.

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

08.05.2026

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(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |