

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

LPA-1376-2026 (O&M)
Date of Decision :14.05.2026

Butta Singh

..Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

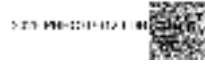
Present: Mr. N.P.S. Mann, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 01.05.2026 passed by the learned Single Judge of this Court in CWP-13431-2026 whereby, the order passed by the authority concerned dated 27.11.2025 (Annexure P/12) by which, the appellant herein was suspended from the post of Sarpanch of Gram Panchayat Laleana, Block Talwandi Sabo, District Bathinda, has been upheld.

2. Learned counsel for the appellant submits that though there is a power provided under law to suspend a Sarpanch in contemplation of any enquiry to be conducted against him/her but, the same would amount to casting aspersion and the fact that an elected personnel is suspended, is stigmatic in nature and, therefore, though the learned Single Judge has directed that an enquiry into the allegations alleged against the appellant should be concluded by 31.05.2026 but, non-reinstatement of appellant on the post of Sarpanch during the pendency of the enquiry is incorrect and



unlawful and hence, the respondents be directed to reinstate the appellant on the post of Sarpanch even during the pendency of the proceedings.

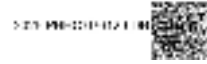
3. We have heard learned counsel for the appellant and have gone through the record with his able assistance.

4. It may be noticed that once, a legislative authority has consciously decided and granted liberty to a particular authority to suspend a Sarpanch during the pendency of an enquiry initiated against him/her raising an argument that such jurisdiction to suspend the appellant from the post of Sarpanch especially when such jurisdiction to suspend a Sarpanch during pendency of the enquiry is granted under law, argument that Sarpanch cannot be suspended, cannot be accepted especially when such proposition of law is not even under challenge before this Court.

5. The argument raised by the learned counsel for the appellant that such suspension though ordered under the valid jurisdiction amounts to stigma also cannot be accepted as in case, said argument of the learned counsel for the appellant is to be accepted then, same would mean that the clause granting jurisdiction to the State to suspend a Sarpanch during the pendency of enquiry, is to be held as ultra-vires, which cannot be done.

6. Further, it is a settled principle of law that suspension is not considered a punishment but a temporary measure to prevent the Sarpanch from discharging his/her duties pending an enquiry. The purpose of suspension is an interim measure in aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position.

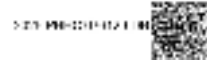
7. In the present case, the allegations alleged are against the



Sarpanch of the village qua the encroachment of land belonging to the Government and even if, it is assumed for sake of argument that said allegations qua encroachment of Government land are against the family members of the appellant but as a matter of fact, it is a conceded fact that the appellant did not take any action against them while discharging the duty of Sarpanch of the village whereas, the Sarpanch of the village is supposed to ensure that no land belonging to the Gram Panchayat or Government, as the case may be, should be encroached.

8. Further, as of now, a direction has already been given by the learned Single Judge vide impugned order dated 01.05.2026 to conclude the enquiry initiated against the appellant within a period of one month, which period is going to expire on 31.05.2026 hence, at this stage, reinstating the appellant on the post of Sarpanch will cause prejudice to the enquiry proceedings initiated as, if the appellant is reinstated to be Sarpanch, the entire record pertaining to allegations alleged will be under the control of appellant, which record has to be seen to ascertain as to whether there has been any encroachment over land belonging to Government or not hence, the order dated 27.11.2025 passed by the authorities concerned suspending the appellant from the post of Sarpanch during the pendency of the enquiry conducted against him, cannot be treated as arbitrary, illegal or without any jurisdiction or not warranted in the facts and circumstances of the present case.

9. Learned counsel for the appellant further submits that no objection has been raised by the owner of the land qua the alleged encroachment done either by the appellant or by his family members and



therefore, there does not exist any dispute to be decided by the authority qua the issue of encroachment.

10. It may be noticed that though this argument should have been taken by the appellant during the enquiry proceedings but, the learned counsel for the appellant forced this Court to decide the said issue also hence, the same is being dealt with.

11. Once, the land belonging to the Government is being alleged to be encroached, it is not required that the said department should come forward and raise such grievance as in case, anyone who has the knowledge of said fact, brings the same to the notice of the authority concerned, it becomes the duty of the authority concerned to enquire into such allegations of encroachment especially when, there is no individual person, who is to take care of the land belonging to the Government or the Gram Panchayat as the case may be. Hence, the argument that in the absence of any action taken by the authorities, to whom the land belongs, which is alleged to be encroached, no enquiry can be conducted, cannot be a ground not to hold an enquiry to ascertain whether or not, the appellant or his family members have encroached upon the land.

12. No other argument has been raised.

13. Keeping in view the facts and circumstances recorded hereinbefore no ground for interference by this Court is made out and the present appeal is accordingly dismissed.

14. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 14, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No