

2025:PHHC:123222



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

**CWP-11735-2025
Date of Decision: 09.09.2025**

Palvinder Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. A.K. Walia, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for quashing the complaint dated 04.12.2023 (Annexure P-6), letter dated 11.12.2024 (Annexure P-8), as well as the inquiry proceedings initiated against the petitioner.

2. Briefly, the petitioner was elected as the Sarpanch of the Gram Panchayat of Village Habri, Tehsil Pundri, District Kaithal, and held the office from the year 2016 until 25.02.2021. Thereafter, one Smt. Rajvir Kaur was elected as the Sarpanch. It is submitted that the private respondents,

being inimical towards the petitioner, submitted a complaint dated 11.01.2021 (Annexure P-1) to the Hon'ble Chief Minister, Haryana, levelling allegations of irregularities and corruption in the execution of various development works during the petitioner's tenure as Sarpanch. The said complaint was inquired by respondent No.4 – Sub Divisional Officer (Panchayati Raj), Kaithal, who, vide Inquiry Report dated 07.02.2022 (Annexure P-2), submitted that recovery of Rs.36,000/- and Rs.3,500/- was liable to be made from the petitioner. Petitioner states that he has already deposited the said amount of Rs.39,500/- in the Bank Account of the Gram Panchayat, Habri.

2.1 It is stated that another complaint dated 18.11.2021 (Annexure P-4) was submitted by respondent No.6 – Surinder Kumar, through the CM Window, wherein similar allegations of irregularities in development works were levelled against the petitioner. However, the said complaint was subsequently closed, as no substance was found in the allegations, as per the findings recorded in the Inquiry Report (Annexure P-5).

2.2 It is stated that respondent No.6 – Surinder Kumar submitted another complaint dated 04.12.2023 (Annexure P-6) before the Chief Minister, Haryana, pursuant to which an inquiry was ordered, as is evident from letter dated 11.12.2024 (Annexure P-8) issued by the Block Development and Panchayat Officer, Pundri, addressed to the Sub Divisional Officer, Block Pundri.

2.3 It is the case of petitioner that complaint dated 04.12.2023 (Annexure P-6) and the inquiry initiated pursuant thereto are contrary to the provisions of Section 53 of the Haryana Panchayati Raj Act, 1994 (in short

‘the 1994 Act’), as well as the Government instructions dated 02.02.2021 (Annexure P-9) and judgment dated 28.07.2023 (Annexure P-10) passed by this Court in CWP No.4074 of 2018.

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

4. Heard.

5. At the outset, it would be apposite to refer to Section 53 of 1994 Act, which reads thus:-

“53. Liability Of Sarpanch or Panch

(1) Every Sarpanch or a Panch of a Gram Panchayat shall be liable for the loss, waste or mis-application of Gram Fund or property belonging to that Gram Panchayat if such loss, waste of mis-application is a consequence of his neglect or misconduct while working as Sarpanch or a Panch, as the case may be.

(2) The Sub Divisional Officer and Panchayat Officer concerned may, on the application of a Gram Panchayat or otherwise, for loss, waste or mis-application of Gram Fund or property belonging to that Gram Panchayat and after giving adequate opportunity to Sarpanch or Panch, as the case may be, to explain, assess by order in writing the amount due from him on account of such loss, waste or mis-application of such Gram Fund or property

(3) Any person aggrieved by an order under sub-section (2) may, within one month of the date of such order apply to the Director to have it set aside and the Director may suspend, vary or rescind such order upon such terms as to costs, payment into court or otherwise, as he thinks fit, but subject to the result of such application, if any, the order shall be conclusive proof of the amount due.

(4) Notwithstanding anything contained in sub-section (3) the

Government may, either on its own motion at any time or an application received in this behalf within a period of sixty days from the date of the order, call for the records of any proceedings in which the Director has passed an order under sub-section (3) for the purpose of satisfying itself as to the legality or propriety of such order and may pass such order in relation thereto as it thinks fit :

Provided that the Government shall not pass an order under this subsection prejudicial to any person without giving him a reasonable opportunity of being heard.

(4A) the Deputy Commissioner shall recover the amount of loss assessed by Sub Divisional Officer within a period of three months from the date of order and if the amount is not covered within the said period the same shall be recovered as arrears of land revenue.

(5) Notwithstanding anything contained in this section no person shall be called upon to explain why he should not be required to make good any loss, after the expiry of six years from the occurrence of the loss, waste or mis-application or after the expiry of two years from his ceasing to be a Sarpanch or Panch, as the case may be, whichever is earlier.

(6) The amount assessed as due from Sarpanch or Panch, as the case may be, may after his death be recovered from his legal heirs to the extent of property inherited by them.”

6. Section 53 *ibid* deals with the loss caused by any Panch or Sarpanch on account of waste or misapplication of Gram Panchayat fund or property belonging to the Gram Panchayat, on account of neglect or misconduct but the said provision cannot be applied to cases, where the Panch or Sarpanch of the Gram Panchayat with an intention to cause benefit to himself or cause loss to the Gram Panchayat misappropriates funds belonging to Gram Panchayat. The object of the Section 53 appears to be to provide the members of Gram Panchayat an opportunity to make good the

loss and in case of failure to do so, it could not be treated as a hurdle for fastening criminal liability upon him/her. It is also well settled that both the criminal and civil liabilities could run parallel.

7. Reverting to case in hand, apparently, a complaint dated 04.12.2023 (Annexure P-6) was submitted against the petitioner, the relevant extract of which reads as under:-

“It is submitted that I Surinder Kumar S/O Sh. Rameshwar Das is residence of Village Habri, Tehsil Pundri, Distt. Kaithal. I had sought under RTI Act, the information regarding development works done in the village by former sarpanch Palwinder Singh and many revelations were made and many shortcomings were found and in connivance with the block officials the sarpanch had committed embezzlement of Panchayat funds which were received in crores of Rupees. It is requested that independent inquiries may kindly be held on the following points.

- 1. The former Sarpanch had made Diesel bills of rupees 10 lacs and it should be enquired as to where the diesel has been used and at that time the rate of diesel was rupees 65/lt.*
- 2. Embezzlement has also been done in the Harijan Chopal in the old locality and inquiry should be held.*
- 3. At Habri-Teontha road, at dera Hajur Singh Khinger, Pali brick has been fixed which should be compared with MB.*
- 4. No concrete has been laid near Dera Chuhar singh block n Habri-Tyontha road and the block has been raised to abnormal height and it should also be compared with the MB.*
- 5. There is also mis-appropriation in the concrete and the blocks laid on Habri-Tyontha road at Dera Gurmukh Singh street and it should also be compared with the MB.*
- 6. At Saanch road on Dera Dilair Singh Jhabbar street no road rolling has been done and fake bill has been generated which should be enquired into.*
- 7. In the street opp. Rainbow School at Panna road, blocks has*

been fixed and same should be compared with the MB.

8. At Shah road in Dera Surup Singh street a bad quality material and incomplete work has been shown and it should also be compared with the MB.

9. On Shah road in the Surjit Singh Dyal Singh street, the bricks and the other material used should also be compared with the MB.”

7.1. On the aforesaid complaint, an inquiry has been initiated against petitioner. In my considered view, the petitioner is required to appear before the competent authority and submit his reply/stand and take all possible legal pleas.

8. The petitioner may have a case for restricting the proceedings based on the technicalities of limitation as regards the civil liability. However, if, upon inquiry, the authorities find that criminal action is warranted in the matter, appropriate steps may still be initiated by invoking the relevant criminal laws.

9. Keeping in view the above, the present matter does not warrant any interference by this Court at this stage.

10. Accordingly, the present writ petition is dismissed.

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

09.09.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No