



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

CWP-20648-2025 (O&M)
Date of decision :22.07.2025

NEHA SHARMA

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vikram Singh, Advocate
Mr. Yuvraj, Advocate
and Ms. Dewka Kamboj, Advocate
for the petitioner.

Mr. Kapil Bansal, D.A.G., Haryana.

Mr. Fateh Saini, Advocate
for the caveator/respondent No.4.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the order dated 09.07.2025 (Annexure P-9); whereby the appeal filed by the petitioner, challenging her suspension order dated 01.07.2025 (Annexure P-6), was dismissed.

2. Succinctly, petitioner-Neha Sharma was elected as Sarpanch of Gram Panchayat Village Majra, District Ambala. It is stated that some residents of the village had made *khokhas* on the Panchayat land and the Gram Panchayat is stated to have convened a meeting on 08.11.2024,

wherein it was decided to issue notices to the alleged encroachers under Section 24(1) of the Haryana Panchayati Raj Act, 1994 (for short 'the 1994 Act') for removal of their encroachment. It is stated that upon issuance of notices, sixteen persons out of the twenty encroachers had paid the lease money as well as arrears to the Gram Panchayat; however, four persons namely, S/Shri Balwant, Sanjeev Sharma, Rakesh Sharma and Parveen Sharma, refused to comply with the directions of the Gram Panchayat and even the encroachment was not removed. The Gram Panchayat is stated to have passed a resolution dated 05.06.2025 for removal of their encroachments and the same was forwarded to the Block Development and Panchayat Officer. It is next stated that as of now, only three persons namely, S/Shri Balwant, Rakesh Sharma and Parveen Sharma are in illegal possession.

2.1 It transpires that upon the request of the Gram Panchayat, the learned Sub-Divisional Magistrate, Naraingarh vide letter dated 13.06.2025 (Annexure P-3) appointed a Duty Magistrate and further directed the concerned Station House Officer to provide police help to the Gram Panchayat for removal of encroachment. However, on 17.06.2025 when the encroachment was to be removed, the police help was not provided by the concerned Station House Officer. Thereafter, vide another order dated 19.06.2025, again a Duty Magistrate was appointed for removal of the encroachment and the concerned Station House Officer, was also asked to provide police help for 24.06.2025.

2.2 On 24.06.2025, when the Duty Magistrate along with the police force and the Members of the Panchayat went to the spot to remove the encroachment, the encroachers did not remove the encroachment and the entire team came back without getting the encroachment removed.

2.3 The afore-said incident of 24.06.2025 is stated to have caused harassment and humiliation to the petitioner. Apparently, on 25.06.2025, the petitioner submitted an affidavit (Annexure P-5) at the Chief Minister's (C.M) window, the relevant extract thereof reads as under :-

"Today on 24.06.2025 Duty Magistrate, Sub-Divisional Officer Animal Husbandry Naraingarh reached at the spot with police help but they could not vacate the possession of the said persons, whereas till today, 24.06.2025, there is no stay order of any court on them, nor did they present any such document to the Duty Magistrate on the spot. The Panchayat had kept one JCB and two trolleys, 6 labourers and three Panchayat sweepers present on the spot today. Today, the Panchayat is facing a lot of problems due to the encroachment not being vacated.

The Duty Magistrate, Sub-Divisional Officer, Animal Husbandry Department Naraingarh who came on the spot, in collusion with the opposition party, did not remove this encroachment even though the encroachers did not have any stay order from the court. This Duty Magistrate, Sub-Divisional Officer, Animal Husbandry Department Naraingarh should be suspended with immediate effect and an inquiry should be conducted against him.

I, Neha Sharma Sarpanch, cannot work in such a government and administration. If the government administration does not remove the possession of the above mentioned persons by 11 am on Tuesday, 02.07.2025, then I will commit self-immolation (Agni Pravesh) at Triveni Chowk Shahzadpur on Tuesday, 02.07.2025 at 11 am, the entire responsibility of which will be of the government administration.

Dated: 25.06.2025

*Sd/- Neha Sharma
M.No-8307474726*

- 1. A copy of this to the Honorable Chief Minister, CM Window, Narayangarh.*
- 2. Honorable Deputy Commissioner, Ambala*
- 3. Hon'ble SDM, Narayangarh*
- 4. Hon'ble BDPO, Shahzadpur*
- 5. Honorable Sub-Divisional Officer, Animal Husbandry Department, Narayangarh*
- 6. Honorable Police Station Incharge, Shahzadpur*
- 7. A copy of this shall be sent to the media."*

2.4 The afore-said affidavit dated 25.06.2025 was forwarded by the Block Development and Panchayat Officer for disciplinary action against the petitioner. The learned Deputy Commissioner, Ambala upon

considering the matter and after giving personal hearing to the petitioner; marked a regular inquiry against the petitioner and also placed the petitioner under suspension vide order dated 01.07.2025 (Annexure P-6); the relevant extract thereof reads as under :-

“I have thoroughly examined the affidavit given by Mrs. Neha Sharma, Sarpanch of Gram Panchayat Majra, the report of Block Development and Panchayat Officer, Shahzadpur, the report of Sub-Divisional Officer, Animal Husbandry Department, Narayangarh and have also heard her personally. After examining the record and hearing her personally, I have come to the conclusion that the post of Sarpanch is a constitutional post and as per the provision made in Section 197 of Haryana Panchayati Raj Act, 1994, the post of Sarpanch is the post of public servant. While holding a constitutional post by the Sarpanch giving such threats threaten by giving an affidavit is against the rules. This shows his serious misconduct and instead of solving the matter from the administrative point of view, he has tried to create unnecessary pressure on the administration. For which he has made himself liable for disciplinary action.

Therefore, I, Ajay Singh Tomar, IAS, Deputy Commissioner, Ambala, order a regular inquiry against Mrs. Neha Sharma, Sarpanch, Gram Panchayat Majra, under Section 51(3)(E) of the Haryana Panchayati Raj Act, 1994 and appoint the Sub-Divisional Officer (Civil), Naraingarh as the regular job officer and direct him to complete and send his inquiry report within one month. If Mrs. Neha Sharma, Sarpanch, Gram Panchayat Majra, wants to say something in this regard, she can give her written reply directly to the inquiry officer within 10 days of receiving this order, otherwise the inquiry officer will be able to take exparte proceedings.

During the investigation, I suspend Mrs. Neha Sharma, Sarpanch of Gram Panchayat Majra, Block Shahzadpur from

the post of Sarpanch with immediate effect under Section 51(1)(b) of the Haryana Panchayati Raj Act, 1994 and prohibit her from participating in any proceedings/meeting of the Gram Panchayat under Section 51(2) of the Act. She is also ordered to immediately hand over whatever movable or immovable property/money, records etc. of the Gram Panchayat she has, to the Panch who has the majority.”

2.5 Feeling aggrieved against the suspension order dated 01.07.2025 (Annexure P-6), the petitioner preferred an appeal before the learned Commissioner, Ambala Division, Ambala, who on 08.07.2025, issued notice in the appeal and further stayed the operation of the order dated 01.07.2025; however, vide order dated 09.07.2025 (Annexure P-9), the learned Commissioner dismissed the appeal preferred by the petitioner by observing as under :-

“5. I have heard the arguments of the appellant and the learned counsel for the respondent and have also examined the appeal and have studied and observed the documentary records, documents, evidences, facts and the appeal of the lower court from which it is clear that before passing the appeal order, the Deputy Commissioner, Ambala has passed the impugned order after providing full opportunity of hearing to the appellant Neha Sharma. Apart from this, it is clear from the appeal order that action should have been taken by giving notice under Section 24(1) of Haryana Panchayati Raj Act 1994 to remove the occupation of the shops by the appellant Neha Sharma, whereas the provision for removing illegal occupation is given in Section 7 of Haryana Village Common Lands (Regulation) Act, 1961. Apart from this, the Haryana Government has also issued a letter to all the Deputy Commissioners of Haryana State in compliance with the orders of the Hon’ble High Court by letter number SBA-2-2024/116395-416, dated 27.12.2024, and directed the Sarpanches not to take action under 24(1), but the appellant

Neha Sharma, by passing the said orders, implemented action under Section 24(1) of the Haryana Panchayati Raj Act 1994. Apart from this, Sarpanch comes under the category of 'public servant' under Section 197 of the Haryana Panchayati Raj Act and according to Section 226 of Bhartiya Sakshya Adhiniyam 2023, any person forcing a public servant to do or stop work by threatening to kill himself in action as per the rules comes under the category of an offence.

Therefore, in these circumstances, I agree with the decision passed by the lower court, which is correct and just. In the present case, the lower court has passed the appealable order only after hearing the appellant and deliberating on all the facts and records, evidence, facts on record, in which there is no irregularity or error. The appealable order has been passed as per law. The appealable order of the lower court is just and logical, in which there is no justification for any kind of interference. The appellant has failed to present any concrete evidence or proof and record in her favour to prove the invalidity of the orders of the lower court.

Therefore, in these circumstances, the appeal order of the lower court dated 01.07.2025 is found to be justified and logical and is kept intact and the appeal of the appellant is dismissed as found baseless, powerless, factless and evidenceless. A copy of this order be sent to the District Deputy Commissioner, Ambala and Sub-Divisional Officer (Civil), Naraingarh and Block Development and Panchayat Officer, Shahzadpur for compliance. The case file should be completed and arranged and kept in the record room. The order was passed and pronounced."

2.6 In the afore-mentioned circumstances, the petitioner has filed the instant writ petition before this Court, for the relief/s, as noticed here-in-above.

3. Learned counsel for the petitioner submits that the learned Commissioner, has not afforded due opportunity of hearing to the petitioner

as despite granting stay on 08.07.2025 (Annexure P-8) till the next date of hearing i.e. 27.08.2025, the learned Commissioner has decided the main appeal itself on 09.07.2025. It is further submitted that the affidavit dated 25.06.2025 (Annexure P-5) submitted by the petitioner was under stress of humiliation; however, the same has wrongly been made a basis for suspending the petitioner. Accordingly, prayer has been made for setting aside of the impugned order.

4. Per contra, the learned State counsel as well as learned counsel appearing for respondent No.4 have opposed the submissions made on behalf of the petitioner. It is submitted that the stay application/appeal preferred by the petitioner against her suspension order was listed for hearing before the learned Commissioner on 08.07.2025 when, notice was issued for 27.08.2025 and the implementation of the suspension order dated 01.07.2025 (Annexure P-6) was also stayed till then; however, on the same day i.e. 08.07.2025, an application was filed by the Assistant District Attorney (Panchayat) stating therein that the petitioner had obtained the stay order after concealing material facts and therefore, they be provided an opportunity of hearing at an early date. Prayer for vacation of the stay was also made. On the said application, notice was issued to the petitioner for 09.07.2025. The learned Commissioner, with the consent of the parties, heard the final arguments on the appeal preferred by the petitioner and dismissed the same vide order dated 09.07.2025 (Annexure P-9). It is, therefore, submitted that the order dated 09.07.2025 was passed after affording due opportunity of hearing to the petitioner and no grievance can be raised by the petitioner in that regard. It is contended that so far as the petitioner's affidavit dated 25.06.2025 is concerned, the contents thereof clearly reflect the act as well as the misconduct of the petitioner, which is

one of the grounds for removal from the post of Sarpanch under Section 51(3)(e) of the 1994 Act. Accordingly, it is submitted that no interference in the impugned order is required and prayer for dismissal of the writ petition has been made.

5. Heard.

6. As regards the submission of the petitioner that she was not afforded any opportunity of hearing by the learned Commissioner, it is observed that the learned counsel for the petitioner has not been able to dispute the fact that although in the appeal preferred by the petitioner, a stay was granted on 08.07.2025 and notice was issued for 27.08.2025; however, on the same day, an application for preponing the date of hearing and for vacating the stay order dated 08.07.2025 was filed, whereupon, notice was issued on the application for 09.07.2025. It is also not disputed that on 09.07.2025, the learned Commissioner had heard the final arguments in the appeal with the consent of learned counsel for both the parties and the appeal was dismissed vide order of even date i.e. 09.07.2025; therefore, the afore-said contention of the petitioner that she has not been heard is, hereby, rejected.

7. Before dealing with second contention as regards suspension of the petitioner is concerned, it is apposite to refer to Section 51(1)(b) and Section 51(3)(c) of 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 1[* * *] or Panch, as the case may be, --*

(a) where a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director or Deputy Commissioners concerned the charge made or proceeding taken against him, is likely to

embarrass him in the discharge of his duties or involves moral-turpitude or defect of character;

(b) during the course of an enquiry for any of the reasons for which he can be removed, after giving him adequate opportunity to explain.

(2) Any Sarpanch or Panch, as the case may be, suspended under sub-section (1), shall not take part in any act or proceeding of the Gram Panchayat during the period of his suspension and shall hand over the records, money or any other property of the Gram Panchayat in his possession or under his control –

(i) if he is a Sarpanch to a Panch commanding majority in the Gram Panchayat ;

(ii) if he is a Panch to Sarpanch :

Provided that the suspension period of a Panch or a Sarpanch, as the case may be, shall not exceed one year from the date of handing over the charge in pursuance of the suspension order except in criminal cases involving moral turpitude.]

(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.”

7.1 A perusal of the above extracted provisions; especially Section 51(1)(b) of the 1994 Act, would show that the Deputy Commissioner may suspend any *Sarpanch* or *Panch* (as the case may be); during the course of an enquiry for any of the reasons for which he or she can be removed; after giving him/her an opportunity to explain. Further, Section 51(3)(a to e) of the 1994 Act, envisages the eventualities wherein a *Sarpanch* or *Panch* (as the case may be); can be removed from their post. Section 51(3)(e) of the 1994 Act, provides that a *Sarpanch* or *Panch* (as the case may be); can be removed from his/her post, if he/she has been guilty of misconduct in the discharge of his/her duties and his/her continuance in the office is undesirable in the public interest.

8. Now coming to case in hand, evidently, the petitioner had submitted an affidavit dated 25.06.2025 at the C.M. Window and a copy thereof, had been submitted to not only to the media but also the Deputy Commissioner, Ambala; SDM, Narayangarh and Incharge of Police Station Shahzadpur. The contents of the affidavit dated 25.06.2025 submitted by the petitioner clearly spells out a threat by her to commit self immolation (*agni pravesh*) at Triveni Chowk, Shahzadpur on Tuesday, 02.07.2025 at 11:00 a.m. and she had further stated that the Government Administration will be entirely responsible for the same.

8.1 The afore-said act of the petitioner in issuing threats of self-immolation on the ground that her grievances are not being redressed by the administration is highly condemnable and wholly incompatible with the rule of law and principles of natural justice. Such acts are not only unlawful but are clearly intended to exert pressure on the authorities and

distort the due process of law. Resorting to self-harm as a means of protest is neither a recognised form of legal redress nor can it be countenanced in a constitutional democracy.

8.2 The Court is of the firm view that individuals who resort to such extreme measures pose not only a threat to themselves but also to the safety, functioning, and morale of public officials and the public. Such conduct, if encouraged or left unchecked, may embolden others to adopt similar disruptive means, leading to a breakdown in administrative discipline.

9. In my considered view, the afore-said act on the part of the petitioner *prima facie* amounts to mis-conduct in the discharge of her duties and her continuance in the office is un-desirable in the public interest in terms of Section 51(3)(e) of the 1994 Act, which is one of the grounds on which a Sarpanch can be removed from his office. Therefore, in terms of Section 51(1)(b) of the 1994 Act, the Deputy Commissioner was justified in ordering suspension of petitioner from the post of Sarpanch vide order dated 01.07.2025 (Annexure P-7), which has been further rightly affirmed by the learned Commissioner vide order dated 09.07.2025 (Annexure P-9).

9.1 Considering the totality of circumstances, I find no merit in the instant writ petition and the same is, accordingly, dismissed.

10. No other point has been urged.

11. All pending applications (if any) shall also stand closed.

July 22, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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