



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) . 5281 OF 2023  
(@ SLP(C) No(S) . 8655 OF 2022)

THE SARPANCH,  
GRAM PANCHAYAT, LONGWALA  
PANCHAYAT SAMITI, PILIBANGA,  
DISTRICT HANUMANGARH, RAJASTHAN ..APPELLANT (S)

VERSUS

MANVEER SINGH AND OTHERS ..RESPONDENT (S)

WITH

CONTEMPT PETITION (CIVIL) NO. 621 OF 2023

IN

(S.L.P. (CIVIL) NO(S) . 8655 OF 2022)

J U D G M E N T

S.V.N. BHATTI, J.

1. Leave granted.
2. The Sarpanch, Gram Panchayat, Longewala, District Hanumangarh, Rajasthan/ Respondent No. 4 in Writ Petition No. 6557 of 2020 on the file of the High Court of Judicature for Rajasthan is

the Appellant. The appeal arises from the Order dated 24.01.2022.

3. The First Respondent in the Civil Appeal filed Writ Petition No. 6557 of 2020, canvassing the public interest of the villagers of the Longewala before the High Court. The following chronology is noted:

On 05.08.2019, the Panchayat passed a resolution for upgrading the infrastructure of the old Panchayat Bhawan from the budget sanctioned by the Zila Parishad, Hanumangarh.

On 11.12.2019, the Zila Parishad sanctioned the proposal to upgrade the infrastructure of the old Panchayat Bhawan.

The Appellant representing the Gram Panchayat, on 15.03.2020, issued a work order to one M/s A-One Construction Company to upgrade the infrastructure of old Panchayat Bhawan.

4. The expression 'upgradation of infrastructure' in the preceding narrative is repetitive and necessary in as much as the Appellant as available from the record deviated from the resolution, sanction/ work order and constructed a new building for the Gram Panchayat in the playground of a school run by the Education Department in the Village. The First Respondent states and established in the High Court that the plot of land, where new building is constructed, is recorded in the name of the Education Department. The two glaring mistakes in law are that, (i) sanction is obtained for upgradation of existing structure, but a new building is brought into existence. (ii) the Gram Panchayat without a right in the land recorded in the name of Education Department is taken over without recourse to law. The consequences are that the village is

deprived of the playground and in the name of upgrading infrastructure, a new building is brought into existence. The above is the gist of the case of the Writ Petitioner and accepted by the Impugned Judgment. The Appellant could not establish that the findings recorded in the Judgment impugned warrant the interference of this Court. We are not in detail referring to the stand of the Appellant for good reasons. Another reason for being brief on the introductory circumstances is that during the pendency of the SLP, a few developments *ex-post facto* remedying partially the arbitrary exercise of power by the Appellant and Vikas Adhikari have been taken up and completed. These developments are noted in the following paras.

5. Learned Senior Counsel appearing for the Appellant informs the Court that by the Construction of the Gram Panchayat building, the

land standing in the Education Department's name is no doubt taken over. The comfort of a playground is also denied to the school-going children and the villagers. Without a challenge to the findings in the Judgment under Appeal, he suggests that the Court may take note of subsequent developments substantially remedy the grievance canvassed in the Writ Petition and pass orders as are deemed necessary.

6. The Counsel appearing for the First Respondent does not dispute that the playground is earmarked and made available for the school children of . He argues that still the principal grievance of demolishing a structure raised in contravention of approvals must be examined by this Court. We have also heard the Learned Counsel appearing for the State of Rajasthan. On instructions, we are informed that the inquiry, as directed by the High Court, is underway and

will be expeditiously completed. For the view we take and for proper appreciation, a few of the findings we are confirming by this Judgment are excerpted,

"the Rajiv Gandhi Sewa Kendra which exists in the land of the playground. However, the Appellant too was not in a position to dispute the fact that as per the proposal (Annexure-5), the technical sanction (Annexure-6), the financial sanction (Annexure-7), and the work order (Annexure-8), the approval was made for upgradation of the infrastructure of the old Gram Panchayat Bhawan and none of these documents indicates that a new Panchayat Bhawan would be constructed. Thus, the respondents have also not offered any justification whatsoever for the construction of the new Panchayat Bhawan when the existing building was constructed just ten years ago and there is no such information that the said building is not suitable for the Panchayat activities or that there are any such deficiencies in the said building which can render it unfit for use.

The fact regarding the construction of the new Panchayat Bhawan being without sanction and that the location of the site is a playground is admitted. In the reply filed to the writ petition, the State Government has taken a plea that the writ petition has been filed at a highly belated stage.

In wake of the above facts, we feel that inquiry deserves to be made regarding the conduct of respondent No.2 Vikas Adhikari and respondent No.4 Sarpanch, who abused their

powers and acted beyond jurisdiction while raising the construction of the new Panchayat Bhawan totally against the approved plan proposal and the sanction. As a consequence of the discussion made hereinabove, we have no hesitation in holding that the construction of the disputed building on the land earmarked/reserved as a playground is illegal and contrary to the Panchayat's proposal, technical sanction and the financial sanction, as well as the work order and hence, the same, has to be demolished at the cost and responsibility of the respondent No.2 Vikas Adhikari, Panchayat Samiti Longewala and respondent No.4 Sarpanch, Gram Panchayat Longewala".

7. The above excerpts from the Impugned Judgment indicate that the Appellant and Vikas Adhikari/ Respondent No. 5, have not discharged the official function or duty in the manner expected of them or conforming to the local laws. Therefore, the conclusions in the impugned Order are certainly warranted and have been rightly rendered in the Judgment impugned. Having observed, as indicated above, the appeal must fail. In the case, we are persuaded by the argument for the Senior Counsel for Appellant that the subsequent developments, avoiding waste

of public money material etc., are taken note of by this Court, and directions proportional to the subsequent developments, are issued.

8. Before considering the extent to which we can modify the directions, we notice that constructing a building in a playground, particularly on a plot of land standing in the name of the Education Department and without administrative sanction, is of grave concern and illegal. Gram Panchayat should represent the public interest and not occupy vacant places, parks, and grounds for its infrastructure projects. In a given case, if absolute necessity is made out for a change of user of any of the amenities/ open spaces, Gram Panchayat shall and should comply with the requirements of the law. The failure of duty and fixing of responsibility are matters of inquiry; therefore, we do not dwell on these matters more than the view already



expressed. Keeping in perspective the admitted position viz a Playground is earmarked for school children, demolition of a building constructed is avoidable. The directions issued in Para VI of the Judgment under appeal are substituted by the following direction,

(i) The Secretary, Panchayati Raj Department shall initiate disciplinary proceedings against respondent No. 2 Vikas Adhikari and respondent No. 4 Sarpanch and ensure completion of enquiry without further loss of time.

(ii) The State of Rajasthan/ Respondent No. 4 is directed to deposit Rs. 10,00,000/-, to the credit of the school in Longewala village, within four weeks from receipt of the Order. The school shall utilize the amount so deposited for upgrading facilities in the school. The Competent Authority considers the need and requirements of girl students enrolled in the school while providing

upgradation facilities. The detailed proposal plan for utilization of Rs. 10,00,000/-, is submitted to the District Collector, and on approval, the works are carried out.

(iii) The Competent Authority shall conclude the enquiry directed against the Appellant and Vikas Adhikari Respondent No. 2 within four months from today.

(iv) The State Government/ Respondent No. 4 is directed to recover Rs. 10,00,000/- deposited in terms of direction No. (ii), from persons found guilty of arbitrary exercise of power and in such proportion within six months from today.

(v) The District Administration ensures that the playground now earmarked at Longewala shall continue to serve the purpose of the playground.

(vi) The Impugned Judgment is modified to the limited extent indicated above,

and accordingly, the Civil Appeal is allowed in part.

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For the view we have taken in the Civil Appeal, the Contempt Petition stands closed.

.....J.  
[SANJIV KHANNA]

.....J.  
[S.V.N. BHATTI]

NEW DELHI;  
AUGUST, 18 2023.