

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.16281 of 2025****Decided on: 15.10.2025**

Mohan Lal

... Petitioner

VersusDivisional Commissioner, Kangra at
Dharamshala, District Kangra, H.P.
& others

... Respondents

Coram***Hon'ble Mr. Justice Ajay Mohan Goel, Judge.*****Whether approved for reporting?¹**

For the petitioner : Mr. Tara Singh Chauhan, Senior
Advocate, with Mr. Vikas Rathore,
Advocate.

For the respondents : Mr. Pushpinder Jaswal, Additional
Advocate General.

Ajay Mohan Goel, Judge (Oral)

Notice. Mr. Pushpinder Jaswal, learned Additional
Advocate General, accepts notice on behalf of the respondents.

2. With the consent of the parties, the petition is being
disposed of at this stage in light of the controversy involved therein.

3. The grievance of the petitioner is that the petitioner
stands illegally removed from the office of Pradhan, Gram Panchayat
Sanwal, Tehsil Churah, District Chamba, H.P., in terms of order
dated 05.11.2024 (Annexure P-18). The petitioner preferred an
appeal against this order which was allowed by the Appellate
Authority vide Annexure P-19, dated 30.05.2025, by holding that the
order stood passed by ignoring the provisions of Section 146 of the

¹ Whether reporters of the local papers may be allowed to see the judgment?



Panchayati Raj Act. The matter was remanded back to the Authority concerned to decide afresh.

4. After remand, the Authority again passed order dated 18.09.2025 (Annexure P-20) ordering the removal of the petitioner from the office of Pradhan of the concerned Gram Panchayat. Against this, now the petitioner has preferred an appeal before the Appellate Authority alongwith an application praying for stay of the order of removal, but neither any interim has been granted in favour of the petitioner nor there is any reference of the application in the order passed.

5. Learned Senior Counsel for the petitioner referred to the order passed by the Appellate Authority, dated 10.10.2025 (Annexure P-23). He submits that in light of the fact that the petitioner was elected as the Pradhan in the year 2021 and now is it the fag end of his term, the learned Appellate Authority should have appreciated the vindictive approach on the part of the Authorities in initiating the action for the removal of the petitioner as the Pradhan at this stage and on completely arbitrary grounds, violating the provisions of the Panchayati Raj Act. He submitted that neither did the learned Appellate Authority grant any interim in favour of the petitioner on 10.10.2025, nor did it refuse from doing the same. Not only this, the impugned order does not even refer to any application having been filed by the petitioner, praying for the interim. In this



backdrop, he submitted that interest of justice would be served in case this petition is disposed of by ordering that the order of removal of the Pradhan shall remain stayed till the decision of the appeal. Learned Senior Counsel, on instruction, submitted that during the pendency of the earlier appeal, the operation of order of removal was stayed. He made available for the perusal of the Court the order passed by the Appellate Authority earlier to this effect dated 11.11.2024.

6. On the other hand, learned Additional Advocate General submitted that the petition be disposed of by issuing a direction to the Authority to finally hear the case on 30.10.2025, on which date the matter is fixed. He submitted that this would meet the ends of justice.

7. Having heard learned Senior Counsel for the petitioner as well as learned Additional Advocate General, this Court is of the considered view that when the petitioner had filed an application, praying for interim, learned Appellate Court should have had passed some order thereupon.

8. Non passing of any order thereupon and not even reflecting the application praying for interim having been filed, in the order, passed by the Appellate Authority on 10.10.2025, does not behaves of a Quasi Judicial Authority and that too in such matters where they are dealing with the removal of an elected public



representative. This Court has earlier also made an observation that in such like cases, the Quasi Judicial Authorities have to be more sensitive to the issue and should ensure that the public mandate is not interfered with, except in accordance with law.

9. Accordingly, in the light of the fact that the petitioner has been removed from his office at the fag end of his term and that appeal filed by him is pending adjudication, this petition is hereby now disposed of with the direction that an endeavour shall be made by the learned Appellate Court to decide the case on 30.10.2025 itself and if for some reason the case cannot be decided on that date, then it be definitely decided expeditiously. However, till the decision of the case by the learned Authority, the operation of the order passed by the Authority, which is under challenge, i.e. order dated 05.11.2024 (Annexure P-18), shall remain stayed. The petitioner shall be allowed to perform his duties as Pradhan of Gram Panchayat Sanwal, Tehsil Churah, District Chamba, H.P. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

October 15, 2025
(Rishi)