



2026:UHC:2276

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.719 of 2026

Rajveer Kaur

--Petitioner

Versus

The State Of Uttarakhand and Others

--Respondents

Presence:-

Mr. Parikshit Saini, learned counsel for petitioner.

Mr. Yogesh Pandey, learned D.A.G. with Mr. Manoj Bhatt, learned Brief Holder for the State of Uttarakhand/respondent Nos.1 to 5.

Mr. Jitendra Chaudhary, learned counsel has put in appearance for respondent No.6.

Hon'ble Pankaj Purohit, J.(Oral)

By means of the present writ petition, petitioner has put to challenge the order dated 18.03.2026 (Annexure No.1 to the writ petition), passed by respondent No.2-District Magistrate, District Udham Singh Nagar, whereby, petitioner was removed from the post of Gram Pradhan, Village Bhogpur, Jaspur, District Udham Singh Nagar, having been found disqualified under Section 8(1)(s) of the Uttarakhand Panchayati Raj Act, 2016 (hereinafter referred as 'the Act').

2. The brief facts shorn-off the unnecessary details are that petitioner-Smt. Rajveer Kaur was Gram Pradhan, Village Bhogpur, Jaspur, District Udham Singh Nagar. In a proceeding, her husband-Dharmendra Singh (respondent No.6) was found in unauthorized possession of government land in Village Bhogpur. Since the unauthorized possession of government land found with any of the family members or legal heirs of a Gram Pradhan, attracts disqualification, petitioner was declared disqualified and consequently by impugned order, she was removed from the post of Pradhan.

3. Impugned order has been challenged by petitioner mainly on the ground that before proceeding against Pradhan, the due process of law has not been complied with and rather has been kept at on the shelve.

4. Learned counsel for petitioner elaborated his argument relying upon Section 138 of the Act and submitted



that the Rules have been framed earlier by the State of Uttar Pradesh known as “The Uttar Pradesh Panchayati Raj (Removal of Pradhans, Up-Pradhans and Members) Enquiry Rules, 1997” (hereinafter referred to as ‘the Rules of 1997’), prescribe a detailed procedure as to how an enquiry is to be conducted for removal of the Pradhan under Section 95(1)(g) of the U.P. Panchayati Raj Act 1947, which according to learned counsel for petitioner *peri materia*, with Section 138 read with Section 8(1)(s) of the Act.

5. He further submits that the Rules of 1997 has been made applicable to the State of Uttarakhand by virtue of Section 2(35) of the Act, is reproduced as under:

“2(35)- “Rules” means rules made under this Act but until such rules are not promulgated rules means rules promulgated under the Uttar Pradesh Panchayati Raj Act, 1947 and the Uttar Pradesh Kshetra Panchayat and Zila Panchayat Act, 1961;”

6. He further contends that since in the State of Uttarakhand no Rules have been framed by the State Government as yet for prescribing the procedure for removal of Pradhan and Up-Pradhan, therefore, by virtue of Section 2(35) of the Act, Rules of 1997 would be attracted and would be applicable in the present situation.

7. Learned counsel for the petitioner also contends that in Rules of 1997, it has been prescribed that before proceeding against Pradhan, a preliminary inquiry is to be conducted by enquiry officer and enquiry officer shall be District Panchayati Raj Officer (DPRO) or any of the District Level Officer to be nominated by the District Magistrate. But in the case in hand, it is submitted that District Magistrate straightway passed the order for removal of Pradhan exercising its power, which are not in consonance with the Rules of 1997, therefore, there is extreme illegality in the matter, which cannot be allowed to sustain.

8. Per contra, learned D.A.G. for the State submits that District Magistrate has called a report from SDM concerned and in the said report, petitioner’s husband was found in unauthorized possession of the government land,



therefore, the impugned order has been passed.

9. He further submits that Pradhan has become disqualified once it was found that husband of Pradhan was in unauthorized possession of the government land. He further contends that disqualification under Section 8(1)(s) of the Act empowers SDM to pass an order of disqualification, therefore, he supports the action of District Magistrate, Udham Singh Nagar.

10. Having heard the learned counsel for the parties and having gone through the provisions of law and the Rules of 1997, this Court is of the view that once it was found that husband of Pradhan was in unauthorized possession of the government land, the proceedings for removal of Pradhan should have been commenced in accordance with the provisions of Rules of 1997, wherein, Pradhan should have been provided an opportunity to submit her point of view and her defence. This has not been done by District Magistrate and it straightway had passed the impugned order.

11. In view of the aforesaid factual background, this Court is of the opinion that the sheer violation of Rules of 1997 has been done by the respondent No.2-District Magistrate, Udham Singh Nagar and has passed a wrong order, which cannot be sustained under the law in any situation.

12. Accordingly, the present writ petition is allowed. The impugned order dated 18.03.2026 is hereby set aside. However a liberty is given to the respondents-Authorities to proceed against the petitioner-Pradhan in accordance with law strictly complying the provisions of the Act and Rules of 1997 which has been made applicable to the State of Uttarakhand.

13. Pending application(s), if any, stands disposed of.

(Pankaj Purohit, J.)

01.04.2026