2024 INSC 901

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.12326 OF 2024
(Arising out of SLP (C) No. 7279 OF 2024)

Sonam Lakra … Appellant

Versus

State of Chhattisgarh and Ors. … Respondents

ORDER

Leave granted.

2. The appellant in this case is a 27-year-old woman, with a seemingly strong commitment towards improving democracy at the grassroots level. Motivated by this vision, she contested the elections in 2020 for the position of Sarpanch of the Sajbahar Gram Panchayat in District Jashpur, Chhattisgarh, the village that she belongs to. She was subsequently declared elected with a substantial margin.

3. Having assumed the office of Sarpanch, the appellant undertook several measures towards development of the village, with the objective of bettering the quality of lives of its inhabitants. Pursuantly, after significant effort by the appellant, the Zila Panchayat, Jashpur sanctioned 10 construction projects for the Sajbahar village under the aegis of the Mahatma Gandhi Rural Industrial Park Scheme (**RIPA**). These construction works involved the development of industrial infrastructure, along with amenities such as roads

and schools, which would not only improve the well-being of the villagers but also aid in making the village economically self-sufficient. However, the Chief Executive Officer of the Janpad Panchayat, despite lacking technical expertise regarding the time required for such projects, issued a Work Order on 16.12.2022, mandating completion of the development works within the limited duration of three months. This order for reasons best known to the Chief Executive Officer was belatedly served to the Gram Panchayat on 21.03.2023, which ironically marked the end of the stipulated three-month period since the date of issuance of the work order.

4. Subsequently, the delay in execution was unjustly attributed to the appellant, resulting in a Show-Cause Notice issued on 26.05.2023, followed by a chargesheet. In her response, the appellant clarified that there was no delay in the construction work. Despite her explanation, bureaucratic high-handedness led to her removal from office on 18.01.2024.

5. Aggrieved, the appellant sought relief from higher authorities and the High Court but faced rejection at every turn. Undeterred, she initiated the present proceedings. On 05.04.2024, this Court stayed the orders of the Sub-Divisional Officer (Revenue), Pharsabahar, and the High Court, reinstating the appellant as Sarpanch and directing that she be allowed to perform her duties without any obstruction.

6. The respondent-State of Chhattisgarh has filed a counter-affidavit, containing mechanical contentions that “sufficient opportunity was afforded to the appellant to present her case” and that an inquiry was conducted in compliance with the provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, and the Chhattisgarh Panchayats (Appeal and Revision)

Rules, 1995. The State further alleges that the appellant failed to submit the Work Completion Reports on five occasions.

7. Be that as it may, we have heard learned counsel for the parties and carefully perused the material placed on record.

8. This appears to be a classic case of administrative imperiousness, resulting in the removal of an elected Sarpanch—a young woman dedicated to serving her remote village in Chhattisgarh. Rather than recognizing her commitment and supporting her vigor for the village's development, the authorities unjustly penalized her for baseless and unwarranted reasons.

9. A *prima facie* examination of the case trajectory reveals a calculated effort by members of the Gram Panchayat, hand in glove with administrative authorities, to obstruct the appellant's initiatives. These individuals sought to undermine her credibility with unfounded accusations of misconduct and, when these stratagems failed, resorted to sabotaging development projects. This concerted campaign ultimately led to her unjust removal as the duly elected Sarpanch. It is cause for concern that at every step, the appellant faced relentless obstacles and received little to no support in her endeavors.

10. The first instance of hindrance in this appeal can be pinpointed to the Work Order dated 16.12.2022, which required completion of the project within three months but was served to the appellant only after the stipulated period had elapsed. Subsequently, on 25.05.2023, once the construction work had begun, the Sub-Divisional Officer, Rural Engineering Services, Pharsabahar—who also bore responsibility for overseeing the project—expressed his dissatisfaction over the alleged delay in completing the work under the RIPA scheme, and even went so far as to request that action be taken against the

appellant.

11. When proceedings commenced at the District Administration level, not only were the bald allegations against the appellant accepted without scrutiny, but she was also denied the fundamental opportunity to be heard. It is deeply troubling to witness administrative officials misusing their authority and blatantly disregarding well-established principles of natural justice. It is incomprehensible how the Sub-Divisional Officer (Revenue), Pharsabahar, issued the order dated 18.01.2024, directing the removal of an elected representative in such a lackadaisical and hasty manner. It is even more so intriguing that a junior official like a Sub-Divisional officer has been empowered to determine the fate of an elected Sarpanch.

12. The administrative authorities, with their colonial mindset, have regrettably failed yet again to recognize the fundamental distinction between an *elected* public representative and a *selected* public servant. Invariably, elected representatives like the appellant are often treated as subordinate to bureaucrats compelled to comply with directives that serve to encroach upon their autonomy and impinge their accountability. This misconceived and self-styled supervisory power is asserted with an intention to equate elected representatives with public servants holding civil posts, completely disregarding the democratic legitimacy conferred by election.

13. What further muddies these already murky waters is the selective accountability imposed on the appellant for the alleged delay in completing the development works. This is despite the fact that responsibility for these projects was shared among multiple stakeholders, including the Sub-Divisional Officer, Rural Engineering Services, the Deputy Engineer, the

Technical Officer, the CEO of the Janpad Panchayat, and the Executing Agency. It is self-evident that construction projects require coordinated efforts from engineers, contractors, timely supply of materials, and are subject to the vagaries of weather etc. Holding the Sarpanch solely accountable for delays, without evidence of her failing in allocating work or performing a duty specific to her elected position, is totally atrocious. We are convinced that these proceedings were initiated on a flimsy pretext, so as to remove the appellant from office under false and untenable grounds.

14. It deeply concerns us that there is a recurring pattern of similar cases, where administrative authorities and village panchayat members collude to exact vendettas against female Sarpanches. Such instances highlight a systemic issue of prejudice and discrimination. More recently, in Civil Appeal No. 10913/2024, titled '***Manisha Ravindra Panpatil v. The State of Maharashtra***', decided on 27.09.2024, we observed that cases involving female Sarpanches often reveal a pervasive pattern of unfair treatment across various levels of administrative functioning. Alarmingly, the removal of an elected female representative, especially in rural and remote areas, is frequently treated as a casual matter, wherein disregarding principles of natural justice and democratic processes is treated as a time-honored tradition. This entrenched bias is particularly disheartening and demands serious introspection and reform.

15. In this context, we must emphasize that as a nation striving to become an economic powerhouse, it is distressing to witness such incidents occurring consistently and being normalized, so much so that they bear striking similarities even in geographically distant regions. Administrative authorities,

being custodians of actual powers and affluent enough, should lead by example, making efforts to promote women's empowerment and support female-led initiatives in rural and remote areas. Instead of adopting regressive attitudes that discourage women in elected positions, they must foster an environment that encourages their participation and leadership in governance.

16. In this regard, we are also of the view that the High Court ought not to have dismissed the appellant's appeal *vide* order dated 29.02.2024, on mere technical grounds, citing availability of alternative remedies. It is trite law that the High Court, while exercising jurisdiction under Article 226 of the Constitution has the vast discretion to entertain a writ petition, even if alternate remedies may exist, especially in cases where the Executive has blatantly and brazenly misused its power to weaken democratic values at the grass root level.

17. The impugned orders passed by the Sub-Divisional Officer (Revenue), Pharsabahar, District Jashpur, Chhattisgarh dated 18.01.2024, as well as that of the High Court dated 29.02.2024 are, thus, quashed. The appellant shall continue to hold the Office of Sarpanch of Gram Panchayat Jashpur, Chhattisgarh till the completion of her term.

18. Furthermore, considering the harassment faced by the appellant, compelling her to engage in unavoidable litigation, we direct the respondent-State to pay her costs amounting to ₹1,00,000 (Rupees One Lakh) within four weeks. The Chief Secretary, State of Chhattisgarh, is directed to release the said amount to the appellant within the stipulated time and thereafter conduct an inquiry against the delinquent officers/officials responsible for her harassment. The

State is at liberty to recover the cost amount from such erring officials in accordance with the principles of natural justice.

19. The appeal stands disposed of accordingly.

20. As a result, pending interlocutory applications, if any, also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
NOVEMBER 14, 2024.