



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Contempt Petition No. 352/2024

Himanshu S/o Shri Joginder Singh

-----Petitioner

Versus

State Of Rajasthan

-----Respondent



For Petitioner(s) : Mr. R.P. Singh, Senior Advocate  
assisted by  
Mr. Jaivardhan Singh Shekhawat  
For Respondent(s) : Mr. Kapil Prakash Mathur, AAG with  
Mr. Ashutosh Udawat

**HON'BLE MR. JUSTICE GANESH RAM MEENA**

**Order**

**15/09/2025**

1. This contempt petition has been filed by the petitioner alleging non compliance of the order dated 19.03.2024 passed in SBCWP No.2630/2024.
2. After consideration of the submissions made by counsels appearing for both the parties, this Court finds that an elected representative i.e. Pradhan of Panchayat Samiti, Uchchain, District Bharatpur was placed under suspension in exercise of powers under Section 38(4) of the Rajasthan Panchayati Raj Act, 1994 vide order dated 11.02.2024.
3. Being aggrieved by the order of suspension, the petitioner approached this Court by filing SBCWP No.2630/2024. The Court after hearing the counsels appearing for both the parties, passed an order dated 19.03.2024 staying the effect and operation of the order of suspension dated 11.02.2024. Consequent to the order of this Court staying the effect and operation of the order of suspension dated 11.02.2024, the State authorities were under



obligation to allow the petitioner to act as a *Pradhan*. However, in view of the provisions of law and the respondent State having remedy to challenge the order passed by the Court before the Division Bench, the State preferred a D.B. Special Appeal No.252/2024 on 03.04.2024 which also came to be dismissed on 08.04.2024.

5. After exhausting the remedy of the D.B. appeal, the respondent authorities, respecting the order of the Court dated 19.03.2024, should have issued the necessary orders of reinstating the petitioner and would have allowed him to act as a *Pradhan* which could also be subject to outcome of any further remedy available to the respondent State.

6. From the facts placed before this Court, the respondent authorities seems to have been sitting over the order of this Court dated 19.03.2024 uptill 12.08.2024 by the time No Confidence Motion was passed against the petitioner.

7. Whether the State authorities can sit over the Court's order for a long time without either making sincere efforts for its implementation or availing any appropriate remedy available to them under law so as to challenge the order of the Court and seek order in their favour.

8. This country is the democratic state where governance is in the hands of elected public representatives and such elected representative have fixed term of their office. If an elected representative is kept out of his office even though there is an order of Constitutional Court in his favour because of inaction on the part of the officers of the State, needs to be dealt strictly.



[CCP-352/2024]

9. So as to see whether the respondent authorities of the State were sitting over the order of this Court deliberately or malafidely, this Court deems it just and proper to call for the separate detailed explanation of respondent Nos.2 & 3 with the details as regards the efforts made by them for implementation of the order of this Court dated 19.03.2024 and so also the details as regards the proceedings for challenge of the orders before the higher forum i.e. the Division Bench and the Supreme Court.

10. The above mentioned affidavits be filed by the respondent Nos.2 & 3 within a period of two weeks.

11. List the matter again on 06.10.2025.

**(GANESH RAM MEENA),J**

Gaurav Srivastava/Satyendra/1