

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

S.B. Civil Writ Petition No. 11020/2026
CNR: RJHC020551832026 | URN: CW / 24485U / 2026

Ramlaxman Meena S/o Shri Teja, R/o Village Falenda, Gram
Panchayat Devji Ka Thana, Tehsil Hindoli, District Bundi.

-----Petitioner

Versus

1. State of Rajasthan, through the Principal Secretary,
Department of Rural Development and Panchayati Raj,
State of Rajasthan, Secretariat, Jaipur.
2. Chief Executive Officer, Zila Parishad Bundi.
3. Block Development Officer, Panchayat Samiti Hindoli,
District Bundi.

-----Respondents

For Petitioner(s)	:	Mr.Amit Jindal assisted by Mrs.Dipti Jindal & Mrs.Reena Goyal
For Respondent(s)	:	Mr.Kapil Prakash Mathur, AAG assisted by Mr.Prateek Saxena

JUSTICE ANOOP KUMAR DHAND

Order

02/09/2026

Reportable

1. The instant writ petition has been preferred by the petitioner
with the following prayer:-

- "1. Issue an appropriate writ, order or direction
directing the respondents to issue the no dues
certificate to the petitioner forthwith for the
purpose of contesting the upcoming Panchayati Raj
election of Gram Panchayat Falenda.
2. Declare the action of the respondents in
refusing to issue the no dues certificate as illegal,
arbitrary and without authority of law.

3. Restrain the respondents from insisting upon recovery of the disputed amount allegedly recoverable from the petitioner's wife.

4. Pass any other or further order which this Hon'ble Court may deem just, proper and necessary in the facts and circumstances of the case."

2. By way of filing the instant writ petition, a prayer has been made for issuing directions to the respondents to issue no dues certificate to the petitioner for the purpose of contesting the upcoming Panchayati Raj election of Gram Panchayat Falenda.

3. Learned counsel for the petitioner submits that wife of the petitioner was elected as Sarpanch of Gram Panchayat Falenda for the tenure pertaining to the year 1995-2000. Counsel submits that an enquiry was conducted against her whereby an order of recovery was issued against her. When she failed to deposit the due amount, the proceedings of auction/attachment of her property were initiated, against which she preferred S.B. Civil Writ Petition No.11544/2009, wherein an interim order has been passed by the co-ordinate Bench of this Court on 16.09.2009 and the respondents have been restrained from auctioning off her property and the said petition is still lying pending for its adjudication.

4. Counsel submits that now, the petitioner wants to contest the forthcoming Panchayati Raj election for Gram Panchayat Falenda and for the said purpose, a no dues certificate is required to be submitted by the petitioner. However, the respondents have refused to issue the said no dues certificate on the pretext that certain amount is due to be recovered against the wife of the petitioner, and until the dues are cleared by the petitioner's wife,

the no dues certificate would not be issued to the petitioner. Counsel submits that failure to deposit the due amount by the wife of the petitioner cannot bar the petitioner's eligibility to contest the election in terms of the provisions contained under Section 19(m) of the Panchayati Raj Act, 1994. Hence, under these circumstances, the petitioner has approached this Court, by way of filing the instant petition seeking appropriate directions.

5. *Per contra*, learned counsel appearing on behalf of the State-respondent opposed the arguments raised by counsel for the petitioner and submitted that the petitioner, being husband of the erstwhile Sarpanch Laxmi Bai, is duty bound to deposit the amount due against his wife. Unless and until the petitioner or his wife deposits the due amount, no dues certificate cannot be issued in favour of the petitioner and he cannot be allowed to contest the election. Hence, under these circumstances, interference of this Court is not warranted and the instant petition is liable to be rejected.

6. Heard and considered the submissions made at the Bar and perused the material available on record.

7. Perusal of the record indicates that the respondents had initiated recovery proceedings against the wife of the petitioner regarding a certain amount in question with connection to some work which was done during her tenure as the Sarpanch for Gram Panchayat Falenda, for the period pertaining to the year 1995-2000. It appears that when the due amount was not deposited by the petitioner's wife, the respondents initiated attachment/auction proceedings in order to auction off her property and recover the due amount. Against the said proceedings, the petitioner's wife

approached this Court, by way of filing the S.B. Civil Writ Petition No.11544/2009, challenging the said auction proceedings, wherein an interim order has been passed by the co-ordinate Bench of this Court on 16.09.2009, by which the respondents have been restrained from auctioning off her properties and the said petition is still lying pending for adjudication on its merits.

8. Be that as it may, now, the question which remains for consideration of this Court is as to whether the respondents can insist or force the petitioner to deposit the amount due against his wife or whether the respondents can deny to issue no objection certificate in favour of the petitioner in order for him to contest the forthcoming Panchayati Raj election?

9. It is a settled proposition of law that a surety or guarantor definitely can be held liable to deposit the due amount, if any, owed by the person against whom the recovery proceedings have been initiated. However, in the instant case, the petitioner is neither a surety nor a guarantor of his wife regarding the recovery amount. This is a separate and independent matter between the State and the erstwhile Sarpanch. In the event that the erstwhile Sarpanch, who is wife of the petitioner, fails to pay the due amount, the respondents are at liberty to proceed against her directly to recover the due amount, however, they cannot be allowed to recover the said amount from the petitioner. There is neither such provision under the Panchayati Raj Act, 1994 nor the Panchayati Raj Rules, 1996, contains any provision authorizing the recovery of any such amount from the family members of the Sarpanch, in case, the said amount is not paid or deposited by him/her.

10. A Public Representative himself/herself is alone liable and responsible for his/her disgraceful act or any misconduct. If at all any recovery proceedings are initiated against him/her, he/she alone is liable to clear the dues and deposit the amount pending against him/her. This Court fails to understand how recovery proceedings can be initiated against the family members of the erstwhile Sarpanch or any other Public Representative. If any recovery of any amount is due against such person and if he/she fails to deposit the same, it cannot be treated as civil/penal liability for his/her family members to deposit the due amount.

This Court feels pity on the part of the respondents for forcing the petitioner to deposit the due amount owed by his wife. Both husband and wife are separate entity. They cannot be held liable for the misconduct or disgraceful act of their spouse unless they have also indulged in the same. The petitioner being the husband of the erstwhile Sarpanch, cannot be asked to pay the amount, if any such amount is owed by his wife in her capacity as the erstwhile Sarpanch, unless it is proved in any enquiry that he was also involved in the works of the Panchayat; or he was also involved in any kind of disgraceful act or misconduct with his wife during her tenure as Sarpanch of Gram Panchayat Falenda.

11. The instant case is a classic example of non-application of mind on the part of the respondents by asking the petitioner to deposit the amount owed by his wife, in order to get the No Dues Certificate from the concerned department for contesting the upcoming elections for the post of Sarpanch. Such an act of the respondents is unwarranted.

12. On this count alone, the instant petition stands allowed. The respondents are directed to issue no dues/ no objection certificate to the petitioner forthwith for the purpose of contesting the upcoming Panchayati Raj elections.

13. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J