



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1611 OF 2026

Dasamat Marandi and others* *Petitioners

Mr.Dhananjaya Mund, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr.Manmaya Dash,
Additional Standing Counsel
(For Opp. Party Nos.1 to 5)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

20.01.2026

Order No.

1. This matter is taken up through hybrid mode.
2. The allegation of the petitioners in this writ petition is with regard to holding of Palli Sabha in village Anandpur under Purunapani Gram Panchayat in the district of Mayurbhanj.
3. It is submitted by Mr. Mund, learned counsel for the petitioners that village Anandpur being a scheduled area, the provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 (for brevity, the 'PESA Act') is applicable. He further submits that previously in the neighbouring villages, Palli Sabha was conducted without adhering to Article 243-A of the Constitution of India, 1950. It is also submitted that this writ petition has been filed seeking a direction to the authorities to hold Palli Sabha in the aforesaid village complying with the provisions of PESA Act as well as Article 243-A of the Constitution of India, 1950.



4. Mr. Dash, learned Addl. Standing Counsel raised a preliminary objection with regard to the maintainability of the writ petition submitting that the same is premature. He further submits that previously, a writ petition being W.P.(C) No. 5426 of 2024 in respect of the same village was filed and a coordinate Bench of this Court disposed of the same vide order dated 16.04.2024 (Annexure-5) with the following observation:

“5. We outright reject the prayer of the petitioners for holding Gram Sabha of the villages under the supervision of the concerned District Judge as we do not find any controversy of such nature requiring issuance of any such direction. From the impugned order, we find that the Collector, Mayurbhanj in all fairness has reached at a conclusion that Gram Sabha had not been held and, accordingly, he has issued following direction:-

“In view of the above, I order to convene fresh Gram Sabha for acquisition of land in favour of IDCO towards setting up of a plant by M/s Rungta Metals Pvt. Ltd following due procedure as per law.”

6. We have no reason at this juncture to presume that the Gram Sabhas shall be convened not in accordance with the requirement of Article 243 (b) of the Constitution of India. No interference of this Court is required for the present.

7. Accordingly, this writ petition stands disposed of with the above-noted observation.”



He, therefore, submits that the writ petition should be dismissed in limine.

5. Mr. Mund, learned counsel for the petitioners, however, submits that the Palli Sabha could not be held in village Anandpur because of the intervention of the outsiders and the staff as well as officials of the Project proponent. He, however, submits that the Palli Sabha is fixed to 22.01.2026 in village Anandpur at 11.00 A.M.
6. Considering the submissions made by the learned counsel for the respective parties, this Court directs that let the Palli Sabha in village Anandpur be held on the schedule time, date and place under adequate CCTV surveillance and a report to that effect be submitted by the Collector, Mayurbhanj, Opp. Party No.2 on the next date in a sealed cover. The CCTV footage(s) be preserved to be produced, if directed. The Collector, Mayurbhanj in his report shall also indicate the name of the persons/officials/staff present in the Palli Sabha. It is needless to say that the Pali Sabha shall be conducted following the due procedure of law.
7. Put up this matter on 10th February, 2026.
8. Issue urgent certified copy as per Rules.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

PKSahoo