



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8950 of 2026

Gajapati Sahu

....

Petitioner

Dr. S.B. Das, Advocate

-versus-

- 1. State Of Odisha,
Represented
Through Its
Secretary,
Panchayati Raj
Department At-
Odisha Lok Seva
Bhawan, P.O.-
Bhubaneswar,
Khurda***
- 2. Director, P.R. &
D.W. Department,
in Revenue
Department, At-
Odisha Lok Seva
Bhawan, P.O.-
Bhubaneswar,
Khurda***
- 3. The Collector,
Balangir***
- 4. The District
Panchayat Officer,
Balangir***
- 5. The Block
Development
Officer, Balangir,
Saintala***

....

Opposite Parties



- 6. The Tahasildar-
Cum-Executive
Magistrate,
Saintala, Balangir**
**7. Smt. Pankajini
Sahu**

Mr. M.R. Mohanty, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
15.04.2026

Order No.

02. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. During the course of hearing, learned counsel for the Petitioner, Mr. Das, submits that he does not want to pursue the writ petition qua the Opposite Party No.7. He undertakes to file a memo to the said effect.

As such, the writ petition is confined to Opposite Party Nos.1 to 6.

3. The present writ petition has been filed at the behest of elected Sarpanch of Dunguripali Gram Panchayat assailing the order under Annexure-8 directing him to submit a show cause as well as Annexure-1 placing him under suspension in purported exercise of powers conferred under Section 115 of the Odisha Gram Panchayat Act, 1964 ("Act, 1964").



4. The factual matrix relating to issuance of both the orders has been succinctly stated in the notice to show cause impugned herein.

It is borne out from the said show cause that since the Petitioner was allegedly involved in Saintala P.S. Case No.10 dated 12.01.2026 under Section 221/ 214(3)/ 3(5) of the BNS read with Section 3(2) of the PDPP Act, was arrested and remanded to judicial custody from 13.01.2026 to 15.01.2026, the same entails suspension, in terms of the Act, 1964.

5. It is the submission of the learned counsel for the Petitioner that the power of suspension and removal of Sarpanch, Naib-Sarpanch and member has been stated in Section 115 of the Act, 1964.

For convenience of reference the same is extracted hereunder;

“115. Suspension and removal of Sarpanch, Naib-Sarpanch and Member:- (1) If (1) If the State Government, on the basis of a report of the Collector or the Project Director, District Rural Development Agency, or suo motu are of the opinion that circumstances exist to show that the Sarpanch or Naib Sarpanch of a Grama Panchayat wilfully omits or refuses to carry out or violates the provisions of this Act or the rules or orders made thereunder or abuses the powers, rights and privileges vested in him or acts in a manner prejudicial to the interest of the inhabitants of the



Grama and that the further continuance of such person in Office would be detrimental to the interest of the Grama Panchayat or the inhabitants of the Grama, they may after giving the person concerned a reasonable opportunity of showing cause, remove him from the Office of Sarpanch or Naib-Sarpanch, as the case may be.

(2) The State Government may, pending initiation of the proceeding on the basis of their opinion under Sub-Section (1), by order, for reasons to be recorded in writing, suspend the Sarpanch or Naib-Sarpanch, as the case may be, from the Office.

(3) The State Government, at any time during the pendency of proceeding under "Sub-Section (1), revoke the order of suspension of a Sarpanch or Naib-Sarpanch passed under Sub-Section (2)"

(4) A Sarpanch or Naib-Sarpanch on removal from Office under Sub [Section (1)] shall also cease to be a member of the Grama Panchayat, and such person shall not be eligible for election as member for a period not exceeding four years as the State Government may specify.

(5) The provisions of this Section shall, so far as may be, apply in respect of any member of the Grama Panchayat not being a Sarpanch or Naib-Sarpanch; provided that no such member shall be liable to be placed under suspension under the said provisions.

(6) (a) Whenever the Collector is of the opinion that the Sarpanch of a Grama Panchayat has failed in convening any meeting of the Grama Panchayat within a period of three continuous months he may, after making such enquiry as he



deems fit, by order, remove the Sarpanch from Office and may also declare him not to be eligible for election as member for a period not exceeding one year as he may specify in his order, and on such order being made the Sarpanch shall cease to be a member of the Grama Panchayat.

(b) Nothing contained in the preceding Sub-Sections shall apply in respect of a default as specified above.

6. While advertng to Section 115 of the Act, 1964, Mr. Das, learned counsel also pressed into service provisions relating to the powers, duties and functions enjoined upon Sarpanch as delineated in Section 19 of the Act, 1964.

For convenience of ready reference, the same is extracted hereunder;

"19. Powers, Duties and Functions of Sarpanch :- (1) Save as otherwise expressly provided by or under this Act, the executive powers of the Grama Panchayat for the purpose of carrying out provisions of this Act, shall be exercised by the Sarpanch, who shall act under the authority of the said Grama Panchayat.

(2) Without prejudice to the generality of the provisions of Sub-Section (1) the Sarpanch shall, save as otherwise provided in this Act, or the rules made thereunder and subject to such general or special orders as may be issued from time to time by the State Government in that behalf-



- (a) convene and preside over the meetings of the Grama Panchayat and conduct, regulate and be responsible for the proper maintenance of the records of the proceeding of the said meetings;
- (b) execute documents relating to contracts on behalf of the Grama Sasan;
- (c) be responsible for the proper custody of all records and documents, all valuable securities and all properties and assets belonging to or vested in or under the direction, management or control of the Grama Sasan;
- (d) be responsible for the proper working of the Grama Panchayat as required by or under this Act;
- (e) cause to be prepared all statements and reports required by or under this Act;
- (f) exercise supervision and control over the acts and proceedings of all Officers and employees of the Grama Panchayat;
- (g) be the authority to enter into correspondence on behalf of the Grama Panchayat; and
- (h) exercise such other powers, discharge such other duties and perform such other functions as may be conferred or imposed on or assigned to him by or under this Act."

7. It is the submission of the learned counsel for the Petitioner that on a conjoint reading of Section 115 with Section 19 of the Act, 1964, the very issuance of show cause is outcome of gross non-application of mind and passing the impugned order



at Annexure-1 in the factual matrix as above, amounts to negating the rights of an elected Sarpanch. Hence, the matter merits consideration.

8. It is not in dispute that in response to the notice to show cause, the Petitioner has filed his reply during the pendency of the writ petition, before the designated authority i.e. The Director, Panchayati Raj & D.W. Department, Government of Odisha, Bhubaneswar on 19.03.2026.

And, copy thereof has also been endorsed to the Collector.

9. It is the submission of the learned counsel that merely because the Petitioner has submitted a show cause, this Court is not denuded of power to entertain a writ petition, since the Petitioner's statutory rights as guaranteed by the provisions of the Odisha Gram Panchayat Act are being set at naught inter alia by whimsical issuance of show cause notice at Annexure-8 and also the suspension order at Annexure-1.

10. Learned counsel for the State, on the other hand, submits that the Government is well within its power in terms of Section 115 of the Odisha Gram Panchayat Act, 1964 to place the Petitioner under suspension and since admittedly the matter is pending consideration on account of the show cause



as submitted any decision by this Court would amount to prejudging the issue and in the given facts of the present case, the matter ought not to be entertained at this juncture.

11. On a first blush, the submissions made by Mr. Das appears to be very attractive.

On a close analysis of the provisions of Section 115 of the Act, 1964, it is seen that legislature in its wisdom while dealing with suspension and removal of Sarpanch, Naib-Sarpanch and members have not referred to Section 19 of the Odisha Gram Panchayat Act, 1964.

To read the powers, duties and functions of Sarpanch as stated in Section 19 of the Act, 1964 into Section 115 of the Act, 1964 would amount to rewriting the statutory provisions which, is not permissible.

12. Hence, on a perspicuous analysis of the materials on record, this Court is of the considered view that interest of justice shall be sub served if the Director, P.R. & D.W. Department (Opposite Party No.2) before whom, the show cause has been submitted, is directed to take a decision regarding the tenability of order of suspension in the light of show cause, within a period of one week from the



date of receipt of copy of this order. The decision, so taken, be communicated to the Petitioner.

It is apt to state here that this Court has not expressed any opinion regarding the merits of the show cause submitted. Such decision shall be taken in an independent manner.

13. Accordingly, the Writ petition stands disposed of. U.C.C. in course of the day.

(V. Narasingh)
Judge

Santoshi