



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9518 of 2025

Hiramani Murmu

....

Petitioner

Mr. S.P. Dash, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Sahoo, ASC

Mr. N. Panda, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

10.11.2025

Order No.

09.

1. Heard learned counsel for the respective parties.
2. Instant writ petition is filed by the petitioner challenging the impugned notice dated 28th March, 2025 as at Annexure-3 issued by opposite party No.3 in connection with no confidence motion initiated against her on the grounds stated therein.
3. Mr. Dash, learned counsel for the petitioner submits that issuance of the impugned notice i.e. Annexure-3 for vote of no confidence at the instance of the Ward Members is vitiated for the reason that it was not accompanied with the proposed resolution and requisition, which is mandated in terms of Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as 'the Act'). The submission is that the requisition i.e. Annexure-2 received by opposite party No.3 does not indicate about the proposed resolution and therefore, the impugned action is not in accordance with law. The further



submission is that the notices claimed to have been served through Special Messenger on the Ward Members in view of Annexure-F/4 to the counter affidavit were not annexed with the proposed resolution and requisition and therefore, there is non-compliance of the Section 24(2) (c) of the Act and under such circumstances, the impugned notice i.e. Annexure-3 for the no confidence motion is liable to be quashed. To support the above plea, Mr. Dash, learned counsel cited the following decisions, such as, **Muktamanjari Sahoo Vrs. State of Orissa and others 2010 (II) OLR 473** and **Smt. Kamala Tiria Vrs. State of Orissa and others AIR 2001 Orissa 67**. The contention is that the entire process stood vitiated as there has been non-compliance of Section 24(2)(a) and (c) of the Act.

4. On the contrary, Mr. Sahoo, learned ASC for the State referring to the counter affidavit filed through opposite party Nos.2 to 4 would submit that the notice as per Annexure-A/4 was issued to all concerned and it was sent by Post and while claiming so, refers to Annexure-D/4 series, such as, the postal slips including the one addressed to the petitioner and duly served on her on 11th April, 2025. The postal tracking report showing the delivery of notice on the petitioner is also referred to by Mr. Sahoo, learned ASC for the State attached to Annexure-D/4 series to further submit that not only the notice was issued and served, it was accompanied with the proposed resolution and requisition said to have been received by the petitioner as well as others. The submission is that the proposed resolution was for the vote of no confidence against the petitioner and it was a part of the notice issued besides the



requisition received by opposite party No.3, hence, therefore, there has been no illegality committed. That apart, it is submitted that such notice was issued and served to all the Ward Members including the petitioner besides the Naib Sarpanch through Special Messenger and while claiming so, he refers to Annexure-F/4. Besides the above, it is the submission that besides the notice sent as per Annexure-F/4, such notice was published on the Panchayat Samiti Notice Board seven days prior to the date fixed in compliance of Section 24(2)(d) of the Act. Since, the provisions of the Act have been complied with and the notice was issued and shown to have been served on all including the petitioner, according to Mr. Sahoo, learned ASC, there is full compliance and therefore, the plea of the petitioner having not received the proposed resolution and requisition along with such notice should not be entertained.

5. Mr. Panda, learned counsel for the private opposite parties referred to the counter affidavit and submits that there is service of notice on each and every member of the GP in compliance of Section 24(2)(c) of the Act and further, the copies of the proposed resolution and requisition are referred to show and satisfy that the same were sent along with the notices and it was served on the petitioner and others and therefore, no wrong or any illegality has been committed by opposite party No.3 towards issuance of such notice fixing the date, time and place for the no confidence motion.

6. Though, the special meeting was directed to be convened on 17th April, 2025 with the issuance of the



impugned notice i.e. Annexure-3, it could not be held in view of interim order of this Court in I.A. No.5447 of 2025 dated 16th April, 2025.

7. The sole ground challenging the action of opposite party No.3 is based on plea that the petitioner did not receive the proposed resolution and requisition along with the notice i.e. Annexure-3. The receipt of the notice is not in denial but challenge to the decision is for non-service of a copy of the proposed resolution and also requisition received by opposite party No.3 along with such notice. On perusal of the requisition i.e. Annexure-2, the Court finds that the members of the GP had a meeting and expressed no confidence against the petitioner, hence, were inclined for vote of no confidence, hence, it was addressed to opposite party No.3. The said requisition was signed by 12 Ward Members as made to reveal from Annexure-2. Upon receiving the above requisition, opposite party No.3, as it further appears, notice was issued by him as per Annexure-3 to all the members of the GP. It has been specifically mentioned therein that the copies of the proposed resolution and requisition to have been enclosed along with the notice. The requisition would also reveal that the notice was published in the Panchayat Samiti Notice Board seven days before the date fixed complying Section 24(2)(d) of the Act. It is claimed by the petitioner that the said resolution and requisition have not been received by her with the notice dated 28th March, 2025. But, such claim has been refuted by the State and also the private opposite parties by pleading that each and every member of the GP was served with the proposed



resolution and requisition sent to them via Post along with the notice for the no confidence motion. In fact, the postal slips of the notices sent and addressed to the petitioner and others have been produced and at Annexure-D/4 series to the counter of the State. Not only that, the notices were sent and served through Special Messenger. The claim of the petitioner that the proposed resolution and requisition were not received by her stands negated in view of the counter affidavit of the State and in particular, considering Annexure-D/4 series.

8. In normal course of business, opposite party No.3, upon receiving the requisition, appears to have issued the notices to all and everyone. When, it is emphatically pleaded on record referring to Annexure-D/4 series that such notice was issued to the petitioner and it was sent along with the proposed resolution and requisition and duly served on the petitioner on 11th April, 2025, the Court is not inclined to believe the claim and the plea advanced by her. It is quite unusual to expect or believe that opposite party No.3 would fail to issue notice without the proposed resolution and requisition vis-à-vis the petitioner, when sent to all others. Rather, considering Annexure-2 and the reply affidavit with reference to Annexure-D/4 series, it would clearly indicate that the resolution and requisition were sent along with the notice and it was finally served on the petitioner. Such claim by the State is fortified by the private opposite parties, who are requisitionists for the motion. In absence of any material on record even to remotely suggest that the resolution and requisition have not been sent along with the notice, the Court is not inclined to accept such a plea. Rather



the Court of the view that there has been due compliance of Section 24(2)(c) and in accordance therewith, opposite party No.3 not only issued the notice but managed to serve it annexing the resolution and requisition and it has been duly received by the petitioner.

9. In so far as, the decision in **Muktamanjari Sahoo** (supra) is concerned, this Court held and concluded therein that no confidence motion cannot be convened except upon receiving a requisition signed by at least 1/3rd of the total members of GP sent along with a copy of the resolution proposed to be moved at the meeting. The above decision is inapplicable for the reason that there is evidence on record to indicate that the notice was issued after receiving the requisition signed by the members of the GP with the quorum. Rather, it would show that there is compliance of Section 24(2)(a) of the Act. In **Smt. Kamala Tiria** (supra), this Court had the occasion to intervene an action under Section 24 of the Act since one of the conditions about the requisition with the proposed resolution to have not been served on the petitioner therein. In the said case, the minutes of the discussion held in the meeting was sent to the Sub-Collector and thereafter, the notice was issued and under such circumstances, this Court held and concluded that the same is vitiated as it is not in compliance of Section 24(2)(c) of the Act. With due respect, the Court is inclined to hold that the decision (supra) is equally not applicable to the case at hand. The conclusion is rather to the effect that opposite party No.3, upon receiving the requisition i.e. Annexure-2, issued the impugned notice dated



28th March, 2025 annexing the resolution signed by the members and also the requisition. In other words, it is a case where there is compliance of Section 24(2)(c) of the Act. Not only, the notice to have been served by the Post duly acknowledged by the petitioner as made to reveal from Annexure-F/4, it was sent along with the resolution and requisition. Such bald claim of the petitioner for having not received the resolution and requisition in juxtaposition to the reply of the State cannot be sustained. Therefore, the irresistible conclusion of the Court is that there is no illegality committed by opposite party No.3 with the issuance of impugned notice for the motion and hence, the decision at the behest of opposite party No.3 cannot be faulted with.

10. Accordingly, it is ordered.

11. In the result, the writ petition stands dismissed. As a necessary corollary, the interim order dated 16th April, 2025 in I.A. No.5447 of 2025 is hereby vacated as a result.

12. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 11-Nov-2025 13:50:21

