



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19066 of 2026
CNR No.ODHC010442382026

An application under Article 226 of the Constitution of India

Amulya Puhan and others **Petitioners**

Versus

State of Odisha and others **Opposite Parties**

Advocates appeared in the case :

For Petitioners : Mr. Pratyasish Mohanty, Advocate

For Opp. Parties: Mr. Siba Narayan Biswal,
Additional Standing Counsel
(for O.P. Nos.1 to 7)

CORAM:

THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Date of hearing and judgment: 9th September, 2026

MRUGANKA SEKHAR SAHOO, J.

1. Heard learned counsel for the petitioners and the learned Additional Standing Counsel.

The petitioners challenge the order dated 13.05.2026 passed by the Additional District Magistrate, Kalinga Nagar, Jajpur Road, Jajpur.



2. The matter was heard at length on 25.06.2026 and order was passed recording the submissions and legal aspects that fall for adjudication, which is reproduced herein:

- “1. Heard learned counsel for the petitioners.
2. The petitioners for reasons best known to them 73 number have stated to be members of Truck Owners’ Association, Jajpur Road have approached this Court. On being asked why the 73 persons have approached instead of one person in representative capacity as per the bye law, the learned counsel for the petitioners has no immediate answer. They challenge the order dated 13.05.2026 passed by the Additional District Magistrate, Kalinga Nagar, Jajpur Road, Jajpur which indicates thus:

“This is regarding passing of orders to resolve disputes between two Truck Owners Associations namely Jajpur Road Truck Owner Association and Vyasaganagar Truck Owner Association to avoid law and order situation.

A meeting was convened after due notice issued to both the Associations, namely the Jajpur Road Truck Owners Association and the Vyasaganagar Truck Owner Association, The members of both associations were present during the meeting.

The members of both the Associations have put forth their demands.

During the course of the meeting, it was seen that two separate resolutions/proceedings dated 12.08.2025 and 31.03.2026 had been passed by the Additional District Magistrate, Kalinga Nagar to tackle the tussles between the above-mentioned Truck Owners Associations, to avoid law and order situations, wherein several decisions had been taken.

However, the Vyasaganagar Truck Owners Association had raised a grievance that the



Jajpur Road Truck Owners Association was not renewing the vehicle registrations of its members in the register maintained by the Jajpur Road Truck Owners Association.

In the meeting held on 31.03.2026, the matter was deferred for a final decision on a later date; So, this meeting.

Accordingly, both the Associations are present today i.e., on 13.05.2026, and their submissions are as follows.”

3. Since the order dated 13.05.2026 is the administrative order by the Additional District Magistrate, the learned counsel for the petitioner was pointedly asked to refer to the portion of the order by which the 73 petitioners are aggrieved.

4. Learned counsel for the petitioners submits that the petitioners are aggrieved by the first, second and third sub-paragraphs of the observations and decisions of the Additional District Magistrate at page-106. Along with the first, second and third paragraphs, the fourth and fifth paragraphs which are the entire observations and decision are reproduced herein:

“Upon perusal of all documents placed before the Additional District Magistrate, Kalinga Nagar, it is ascertained that both associations are separately registered entities and are functioning independently on different occasions. They are also taking different shares for Vyasaganagar Municipality & Korai area separately.

It is a matter of fact that once a member has separated from one parent association and joined another rival association, such member cannot simultaneously continue as a member of both the associations.

Accordingly, it is hereby ordered that to maintain law and order situations. Both the Associations shall henceforth function



independently and peacefully with their respective registered members. Membership shall be determined on the basis of registration records, and therefore, members registered under the Vyasaganagar Truck Owners Association need not have their vehicles renewed under the Jajpur Road Truck Owners Association. As both the Associations have registration papers.

Regarding the allegations of irregularities, corruptions, illegal activities and non-conduct of General Body Meetings, the Additional District Magistrate, Kalinga Nagar has no jurisdiction to adjudicate upon such matters, as both associations are registered under separate registering authorities.

Accordingly, the concerned parties may approach the appropriate registering authority if they have any grievances needs to be redressed.

Both the Associations are hereby directed to maintain peace and tranquility in the region.”

5. In considered opinion of this Court, none of the observation and decision of the Additional District Magistrate is against the petitioners rather the administrative decision is for achieving peace and tranquility in the region as observed by the administrative authority. In considered view of this Court, in judicial review under Article 226 of the Constitution of India, the satisfaction of the authority cannot be looked into.

6. The learned counsel for the petitioners submits that the petitioners take exception to the fifth sub-paragraph of the order dated 13.05.2026 at Annexure-9 which reads thus:

“However, the Vyasaganagar Truck Owners Association had raised a grievance that the Jajpur Road Truck Owners Association was not renewing the vehicle registrations of its



members in the register maintained by the Jajpur Road Truck Owners Association.”

7. Having gone through the said paragraphs, there is nothing to show that the petitioners can be aggrieved as it is a statement of facts alleged by the parties before the administrative authority. Certain others submissions have been made by the learned counsel for the petitioners that the present petitioners have formed a trade union due to which they have been barred to re-register their vehicles under the society-opposite party no.8. Regarding the same, it is apparent upon perusal of the representation of the petitioners at Annexure-8 dated 05.02.2026 was not the subject matter before the Additional District Magistrate.

8. This Court does not express any opinion if the petitioners can avail any remedy, if so advised under the provisions of law.

9. As a last submissions, learned counsel for the petitioners wants adjournment which is granted reluctantly.

The matter shall be listed for fresh admission in the week commencing 20.07.2026.”

3. Thereafter, upon change of determination, the matter was placed before the coordinate Bench. The coordinate Bench by order dated 17.08.2026 considering the order dated 25.06.2026 observed that the matter to be placed before Hon’ble the Chief Justice for assignment. Thereafter, by the Hon’ble the Chief Justice by order dated 21.08.2026 in the Administrative side has been pleased to assign the matter to this Bench and accordingly, the matter is listed and taken up for consideration.



4. Learned counsel for the petitioners reiterated his submissions as were noted in the order dated 25.06.2026 which were considered by the said order and have been taken note of.

Today, reiterating his submissions, it is submitted that the Trade Union, Vyasanagar Truck Owners Association and the Society Jajpur Road Truck Owners Association are not rival associations.

5. Having gone through the order impugned as at Annexure-9, this Court is of the considered opinion that issue that fell for adjudication by the Additional District Magistrate was not the nature of registration of both the association but the adjudication was in the context of maintaining peace between the truck owners and the associations.

6. A Division Bench of this Court in ***Bombay Intelligence Security (India) Ltd. v. Union of India & others; (AIR 2022 Ori 197: 2022 (III) ILR-CUT-34)***: W.P.(C) No.29177 of 2021 decided on 26.08.2022 had the occasion to deal with scope of judicial review of administrative order/action. Paragraph-23 of the decision in ***Bombay Intelligence Security (India) Ltd.*** (*supra*) is apt to be relied on for present adjudication and is reproduced herein:

“23. Apart from the above decisions cited at the bar, it would be apt to refer to certain other judicial pronouncements those are regarded as Locus Classicus on the scope of judicial review of administrative action.

*In **Chief Constable of the North Wales Police v. Evans: 1982(1) WLR 1155; (1982)3 All E R 141***



(HL): pp 1160H-1161A, 1173F 1174F-G of WLR, it was held by the House of Lords “judicial review, as the words imply, is not an appeal from a decision, but a review of the manner in which the decision was made”. “.....judicial review is concerned, not with the decision, but with the decision-making process”

Lord Hailsham in his separate yet concurring opinion observed (pp.1160E-H -1161-A of WLR):

“The first observation I wish to make is by way of criticism of some remarks of Lord Denning M.R. which seem to me capable of an erroneous construction of Rules of the Supreme Court: the rules which governed civil procedure in the Supreme Court of Judicature of England and Wales from its formation in 1883 until 1999. The purpose of the remedy by way of judicial review under R.S.C., Ord. 53. This remedy, vastly increased in extent, and rendered, over a long period in recent years, of infinitely more convenient access than that provided by the old prerogative writs and actions for a declaration, is intended to protect the individual against the abuse of power by a wide range of authorities, judicial, quasi-judicial, and, as would originally have been thought when I first practiced at the Bar, administrative. It is not intended to take away from those authorities the powers and discretions properly vested in them by law and to substitute the courts as the bodies making the decisions. It is intended to see that the relevant authorities use their powers in a proper manner.

(emphasis supplied)

Since the range of authorities, and the circumstances of the use of their power, are almost infinitely various, it is of course unwise to lay down rules for the application of the remedy which appear to be of universal validity in every type of case. But it is important to remember in every case that the purpose of the remedies is to ensure that the individual is given fair treatment



by the authority to which he has been subjected and that it is no part of that purpose to substitute the opinion of the judiciary or of individual judges for that of the authority constituted by law to decide the matters in question. The function of the court is to see that lawful authority is not abused by unfair treatment and not to attempt itself the task entrusted to that authority by the law. There are passages in the judgment of Lord Denning M.R. (and perhaps in the other judgments of the Court of Appeal) in the instant case and quoted by my noble and learned friend which might be read as giving the courts carte blanche to review the decision of the authority on the basis of what the courts themselves consider fair and reasonable on the merits. I am not sure whether the Master of the Rolls really intended his remarks to be construed in such a way as to permit the court to examine, as for instance in the present case, the reasoning of the subordinate authority with a view to substituting its own opinion. If so, I do not think this is a correct statement of principle. The purpose of judicial review is to ensure that the individual receives fair treatment, and not to ensure that the authority, after according fair treatment, reaches on a matter which it is authorized by law to decide for itself a conclusion which is correct in the eyes of the court.

(Emphasis supplied)

Lord Brightman in his opinion (which was agreed to by the majority) observed as follows :

Judicial review is concerned, not with the decision, but with the decision-making process. Unless that restriction on the power of the court is observed, the court will in my view, under the guise of preventing the abuse of power, be itself guilty of usurping power.

(pp.1173-F of WLR)
(Emphasis Supplied)



There is however a wider point than the injustice of the decision-making process of the chief constable. With profound respect to the Court of Appeal, I dissent from the view that “Not only must [the probationer constable] be given a fair hearing, but the decision itself must be fair and reasonable.” If that statement of the law passed into authority without comment, it would in my opinion transform, and wrongly transform, the remedy of judicial review. Judicial review, as the words imply, is not an appeal from a decision, but a review of the manner in which the decision was made.”

*(pp. 11874-F, G of WLR)
(Emphasis supplied)*

7. The reasons considered by the Additional District Magistrate cannot be relooked as if this Court is sitting in appeal over the said decision.

This Court expresses no opinion whether owners of truck can form a ‘trade union’ to invite and accept membership amongst owners of trucks.

8. In view of the discussions noted in the earlier order dated 25.06.2026 and the discussions made above, the writ petition is dismissed being devoid of any merit.

9. However, as observed earlier, it is again reiterated that the petitioners can avail any remedy, if so advised, available under the provisions of law.

(Mruganka Sekhar Sahoo)
Judge

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