



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.19619 of 2026

Bijay Panda

...

Petitioner

Mr. S.K. Sarangi, Sr. Advocate
along with
Mr. S. Sarangi, Advocate

-versus-

***1. State of Odisha
represented by
Principal Secretary to
Government,
Panchayatiraj & Drinking
Water Dept.,
Odisha, Bhubaneswar
2. Director of Panchayatiraj
& Drinking Water Dept.,
Odisha, Bhubaneswar
3. The Collector, Nuapada
4. The Sub-Collector,
Nuapada
5. Block Development
Officer, Nuapada
6. Panchayat Executive
Officer, Bhanpur Gram
Panchayat, Bhanpur,
Nuapada***

.... ***Opposite Parties***

Mr. M.R. Mohanty, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

17.07.2026

Order No.

01. 1. Appearance memo filed by Mr. S.K. Sarangi, learned Senior Counsel on behalf of the Petitioner is taken on record.



2. Heard Mr. Santanu Kumar Sarangi, learned Senior Counsel assisted by Mr. Siddhant Sarangi, learned counsel for the Petitioner and Mr. Mohanty, learned AGA for the State.

3. The present writ petition has been filed at the behest of a Sarpanch elected in the year 2022. Assailing the order dated 10.06.2026 at Annexure-6 passed by the Government of Odisha in the Panchayati Raj and D.W Department in purported exercise of the power under Section 115(2)¹ of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as the "Act, 1964"), placing the Petitioner under suspension pending inquiry.

4. Referring to the said impugned order, it is the submission of the learned senior counsel for the Petitioner that the same ex facie indicates non-application of mind. Since admittedly, the period 'verified' as stated therein relates to the year 2018,

¹ **115. Suspension and removal of Sarpanch, Naib-Sarpanch and Member :-**

(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).



even before the Petitioner has assumed the office of Sarapanch in the year 2022, as noted hereinabove.

5. In such circumstances, it is submitted that the very placing of the Petitioner an elected representative under suspension is violative of the schematic arrangement of the Act.

6. By way of interim measure in I.A. No.11393 of 2026, the following prayer has been made:-

"It is, therefore, prayed that your Lordship shall graciously be pleased to to allow the petitioner to continue as Sarpanch of Bhanpur Gram Panchyat pending disposal of the writ petition. And to pass such other order or orders as this Hon'ble Court deem fit and proper in the facts and circumstances of the case:

xxx

xxx

xxx"

7. To fortify his submission that before passing an order of suspension under Section 115(2)¹ of the Act, 1964, issuance of show cause is necessitated, reliance is placed on the judgment of this Court in the case of **Sukanta Bhoi v. State of Orissa and Ors.**².

It is stated at the Bar that the same still holds the field.

8. Learned counsel for the State, Mr. Mohanty, AGA, submits under Section 115(3)¹ of the Act, 1964 the power is vested in the State Government to revoke the order of suspension. Instead of moving the State Government, the Petitioner has rushed to

² Sukanta Bhoi v. State of Orissa and Ors., AIR 2000 Ori 28



this Court. Hence, on this ground alone, the writ petition is liable to be entertained since alternative statutory remedy seeking redressal has not been admittedly availed of.

9. Considering the rival submission, this Court is of the considered view that in terms of Section 115(3)¹ of the Act, 1964, the Petitioner may move the State Government for revocation of the impugned order of suspension at Annexure-6 inter alia relying on the judgment of this Court **Sukanta Bhoi (supra)**², within a period of one week from the date of uploading of this order. And, on receipt thereof, the State Government shall pass orders in accordance with law within two weeks.

And, in the event the Petitioner sticks to the timeline as above, no precipitative action shall be taken against the Petitioner, till a decision is taken by the State Government in terms of Section 115¹ of the Act, 1964.

10. Accordingly, the Writ Petition along with I.A. stand disposed of.

(V. NARASINGH)
Judge