



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.1367 of 2025

Nabanita Kapat Pata ... ***Appellant***
Mr. Gopinath Mishra, Advocate
-Versus-
Collector, Kandhamal and another ... ***Respondents***
Mr. Bimbisar Dash, AGA

CORAM:
THE HON'BLE THE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER
13.08.2025

02. 1. The point involved in the instant writ appeal pertains to the interpretation of Section 24 of the Odisha Gram Panchayats Act, 1964 (for short, "the OGP Act").
2. According to the appellant, the modalities and/or the requirements appearing from the said provision of the OGP Act shall be strictly adhered to and any departure therefrom would entail the action of the authority liable to be quashed and set aside. In pursuit of the same, a reliance was placed upon a Division Bench judgment of this Court in *Prahallad Dalai vs. State of Odisha*, reported in AIR 2014 Orissa 179, wherein it is held that the copy of the Resolution and the requisition are twin mandatory conditions and departure from any such condition would make the notice issued by the Sub-Collector invalid.
3. Our attention is further drawn to an unreported judgment of the Division Bench of this Court (one of us is a party), delivered on 15th April, 2025 in W.A. No.3473 of 2024 (*Pramod Kumar Sahu Vs. State of Odisha and others*), wherein harmonious construction was adopted



and the intention of the Legislature can be reasonably inferred and/or seen therefrom. The technicality should not overweigh the fairness and the transparency in the system. We thus find that both the judgments to some extent run counter to each other and, therefore, this Bench feels that it would be proper that the matter be referred to a larger Bench to decide, whether the 'requisition' and the 'Resolution' appearing in Section 24 of the OGP Act invites any stringent interpretation that the 'requisition' and the 'Resolution' must be separate and distinct from each other or a harmonious construction is required to be adopted where the purpose of requisition relating to no confidence motion against the Sarpanch is evidently manifest therefrom and the Ward Members are made aware of the Resolutions as well as the Agenda of the said meeting.

4. Let the matter be placed before the Hon'ble the Chief Justice to constitute a larger Bench.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

MRS/Laxmikant