



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.23871 of 2025
CNR No. ODHCO10604902025

In the matter of an application under Article 226 & 227 of
the Constitution of India.

Udenath Naik

....
-versus-

Petitioner

1. State of Odisha,
represented through the
Commissioner-cum-
Secretary Panchayati Raj
and Drining water
Department, Secretariat,
Building, Bhubaneswar,
Dist-Khurda
2. The Collector, Balangir
3. The Sub-Collector,
Balangir
4. Kuntala Sahu
5. Ushabati Barik
6. Kaikei Dharua
7. Antaryami Biswal
8. Gobardhan Dharua
9. Bijuli Sahoo
10. Iswar Ray
11. Sabita Pradhan
12. Santoshini Dalapati
13. Srikar Dalapati
14. Krushna Ch. Pradhan

....

Opposie Parties

For Petitioner

: Mr. S. Rout, Advocate



For Opposite Parties : Mr. P.K. Ray, AGA
Mr. A. K. Mohanty, Adv. (O.P.
Nos.4 to 14)

**CORAM:
JUSTICE V. NARASINGH**

DATE OF HEARING : 13.07.2026

DATE OF JUDGMENT : 29.08.2026

V. Narasingh, J. Heard Mr. Rout, learned counsel for the Petitioner, Mr. Ray, learned Additional Government Advocate for the State (Opposite Party Nos.1 to 3), and Mr. Mohanty, learned counsel for Opposite Party Nos.4 to 14.

1. The present writ petition has been filed by the Sarpanch of Badatika Gram Panchayat assailing the initiation of a 'No Confidence motion' against the Petitioner, inter alia, on the ground that the resolution dated 22.05.2025, which is the basis for initiation of the proceeding, is not in consonance



with the provisions contained in Section 24¹ of the

¹ **24. Vote of no confidence against Sarpanch or Naib - Sarpanch :-**

(1) Where at a meeting of the Grama Panchayat specially convened by the Sub-divisional Officer in that behalf a resolution is passed, supported by a majority of not less than two-thirds of the total membership of the Grama Panchayat, regarding want of confidence in the Sarpanch or Naib-Sarpanch the resolution shall forthwith be forwarded by the Sub-Divisional Officer to the Collector, who shall immediately on receipt of the resolution publish the same on his notice-board and with effect from the date of such Publication the member holding the Office of Sarpanch or the Naib-Sarpanch, as the case may be, shall be deemed to have vacated such Office.

(2) In convening a meeting under Sub-Section (1) and in the conduct of business at such meeting the procedure shall be in accordance with such rules, as may be prescribed, subject however to the following provisions, namely :

a) no such meeting shall be convened except on a requisition signed by at least one-third of the total membership of the Grama Panchayat along with a Copy of the resolution proposed to be moved at the meeting;

(b) the requisition shall be addressed to the Sub-Divisional Officer;

(c) the Sub-Divisional Officer on receipt of such requisition shall fix the date, hour and place of such meeting and give notice of the same to all the members holding Office on the date of such notice along with a Copy of the requisition and of the proposed resolution, at least fifteen clear days before the date so fixed;

(d) the aforesaid notice shall be sent by post under Certificate of posting and a Copy thereof shall be published at least seven days prior to the date fixed for the meeting in the notice-board of the Samiti;

(e) the proceedings of the meeting shall not be invalidated merely on the ground that the notice has not been received by any member;

(f) the Sub-Divisional Officer or if he is unable to attend, any Gazetted Officer specially authorised by him in that behalf shall preside over, conduct and regulate the proceedings of the meeting.

(g) the voting at all such meetings shall be by secret ballot;

(h) no such meeting shall stand adjourned to a subsequent date and no item of business other than the resolution for recording want of confidence in the Sarpanch or Naib-Sarpanch, as the case may be, shall be taken up for consideration at the meeting;

(i) if the number of members present at the meeting is less than two-thirds of the total membership of the Grama Panchayat, the resolution shall stand annulled;

(j) if the resolution is passed at the meeting supported by the majority as specified in Sub-Section (1) the Presiding Officer shall



Orissa Gram Panchayats Act, 1964.

2. This Court, by order dated 02.09.2025, while issuing notice, in I.A. No.14474 of 2025 directed, as an interim measure, that the 'No Confidence motion' may be put to vote, but the result thereof shall not be published.

3. The said interim order is still in vogue.

immediately forward the same in original along with the record of the proceedings to the Collector who shall forthwith publish the resolution in accordance with the provisions of Sub-Section (1); and (k) where any Gazetted Officer presides at the meeting he shall, without prejudice to the provisions of Clause (j), also send a Copy of the resolution to the Sub-divisional Officer for information and such action as may be necessary.

(3) When a meeting has been held in pursuance of Sub-Section (2) for recording want of confidence in the Sarpanch or Naib-Sarpanch, as the case may be, no fresh requisition for a meeting shall be maintainable—

(a) in cases falling under Clauses (i) and (j) of the said Sub-Section or where the resolution is defeated after being considered at the meeting so held, before the expiry of one year from the date of such meeting; or

(b) where the notification calling for general election to the Grama Panchayat has already been published under or in pursuance of Section 12.

(4) Without prejudice to the provisions of Sub-Section (3) no requisition under Sub-Section (2) shall be maintainable in the case of a Sarpanch or Naib-Sarpanch, as the case may be, before the expiry of two years from the date on which such Sarpanch or Naib-Sarpanch enters Office :

Provided that all requisitions received under Sub-Section (2) prior to the date of commencement of the Orissa Grama Panchayats (Second Amendment) Act, 1993, in which no meeting for recording want of confidence has been held by the said date, shall stand abated.



4. It is the submission of the learned counsel for the Petitioner, Mr. Rout, that, on a bare perusal of the proposed resolution, which is in vernacular, it can be seen that the same is not in the nature of a resolution, rather, it conveys a decision which has already been taken. In this context, he relies with vehemence on the submission that the word 'Siddhanta', as mentioned in the proposed resolution, connotes a decision already taken and, hence, does not qualify as a proposed resolution. To fortify his submission, he relies upon the definition of 'Siddhanta' as given in the "Purna Chandra Bhasakosha".

To appreciate the submission of the learned counsel for the Petitioner in its proper perspective, the definition of 'Siddhanta', as



stated in "Purna Chandra Bhasakosha", Vol. VII,
is extracted hereunder:

"xxx xxx xxx

Siddhanta-୧. । ମୀମାଂସା ; ବିଚାରର ଶେଷେ ଫଳ; ଉତ୍ତମ-ରୂପେ
ବିଚାର ପରେ ସୂଥିର କରାଯିବା ମତ - 1.final decision;
conclusion; conclusion arrive at after due
consideration. ୨। (ନ୍ୟାୟଶାସ୍ତ୍ର) ପୁରୁଷ ପକ୍ଷେ ମୀମାଂସାପୁରୁଷଙ୍କ
ସିଦ୍ଧପକ୍ଷେ ସ୍ଥାପନ -2. (logic) arriving at a conclusion
from predicate a data; logical conclusion.

xxx xxx xxx"

5. And, in this context, he places relies on the Full Bench judgment of this Court in the case of ***Nabanita Kapat Patra v. Collector***², in which the law has been set at rest that, as a precondition for moving a motion of 'No Confidence', there must be a resolution and a requisition. It is submitted by the learned counsel for the Petitioner, Mr. Rout, that, ex facie, the recitals of the document which is being pressed into service as a resolution, being a decision already taken, disclose a patent infraction of the

² *Nabanita Kapat Patra v. Collector*, 2025 SCC OnLine Ori 4218.



law laid down by this Court relating to the status of a resolution. Such precondition of a resolution having not been satisfied, the consequential steps for holding the meeting have to be treated as non est in the eye of law and, accordingly, the notice for holding the 'No Confidence motion' at Annexure-2 and the 'No Confidence motion', which is stated to have been held in the meanwhile, are also liable to be declared null and void.

6. Learned Additional Government Advocate for the State, Mr. Ray, as well as Mr. Mohanty, learned counsel appearing for the requisitionists, Opposite Party Nos.4 to 14, oppose such submission and submit that the argument advanced by the learned counsel for the Petitioner is no longer res integra, in as much as this Court has answered the same in its judgment



in the case of **Smt. Gunduri Singh v. State of Odisha**³.

7. The rejoinder has been filed at the behest of the Petitioner.

8. Mr. Ray, learned Additional Government Advocate appearing for Opposite Party Nos.1 to 3, as well as Mr. Mohanty, learned counsel appearing for the requisitionists, Opposite Party Nos.4 to 14, submits that the ground taken that 'Siddhanta' cannot be construed as a proposed resolution is no longer res integra in the light of the judgment of this Court in the case of **Smt. Gunduri Singh (supra)**³.

9. On a bare perusal of the said judgment, it is seen that the word 'Siddhanta' came to be interpreted in the said case and, referring to the

³ *Smt. Gunduri Singh v. State of Odisha*, 2026 SCC OnLine Ori 3705.



judgments which are holding the field, this Court held that the mention of the word 'Siddhanta' does not nullify a resolution, construed in the light of the said judgment. Reading the impugned resolution, this Court is of the considered view that the same unambiguously conveys the intention of the requisitionists to initiate the process of 'No Confidence motion' against the Petitioner.

10. Hence, on a perspicuous analysis of the materials on record and the law laid down in this regard, as discussed above, this Court does not find any merit in the writ petition.

The writ petition being devoid of merit stands dismissed.

11. The interim order stands vacated.



12. The result of 'No Confidence motion', which is stated to have been held, may be declared and steps consequential thereto be taken in accordance with the provisions in this regard in terms of the Orissa Gram Panchayats Act, 1964.

13. Accordingly, the writ petition stands disposed of. Costs made easy.

**(V. Narasingh)
Judge**

*Orissa High Court, Cuttack,
Dated the 29th August, 2026/ Santoshi
01.09.2026 uploaded*

Signature Not Verified

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Signed by: SANTOSHI LENKA
Reason: Authentication
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