



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28515 of 2025

Subhra Panda

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Petitioner

Mr. A.Mishra, Advocate

-versus-

1. *State of Odisha*
2. *Rayagada Municipality,*
Rayagada
3. *Collector & District*
Magistrate, Rayagada
4. *Basanti Behera*
5. *Mamata Mandangi*
6. *Sukanta Parida*
7. *Sundi Sumit*
8. *Barji Jaganmohan Rao*
9. *Gopinath Gouda*
10. *Kamalakant Majhi*
11. *Sarojini Khosla*
12. *Palakonda Mamita*
13. *Santosh Kumar Dalai*
14. *Sramita Padhi*
15. *Majji Srinivas Rao*
16. *B. Ramana*
17. *M.Mangamma*
18. *P. Roja*
19. *Panchuri Ravi*
20. *Ch. Gouri*
21. *Abhi Kumar Nachika*
22. *Kalidas Mandangi*
23. *P. Mahesh Patnaik*

....

Opposite Parties

Mr. C.R. Swain, AGA
Mr. A.K. Nanda, Advocate

CORAM: JUSTICE V. NARASINGH



ORDER
09.10.2025

Order No.

01. 1. Heard Mr. Mishra, learned counsel for the Petitioner, Mr. Swain, learned counsel for the State and Mr. Nanda, learned counsel appearing for the Opposite Parties 4 to 22.

2. The present writ petition has been filed seeking the following reliefs:

“....this Hon’ble Court may be graciously pleased to immediately set aside the Resolution passed by the Opp. Parties No.4 to 22 dtd.10.09.2025, Requisition dtd.12.09.2025 and Notice dtd. 22.09.2025 issued by the Opp. Party No.3 under Annexure-1 series as being violative of the principles of natural justice as well as the provisions of Orissa Municipal Act, 1950 in the interest of equity and justice.

xxx xxx xxx”

(Emphasized)

3. It is submitted by the learned counsel for the Petitioner that the proposed notice of “No Confidence Motion” dated 22.09.2025 against the Petitioner, who is working as Vice-Chairperson of Rayagada Municipality, is ex facie against the mandatory stipulations as contained in Section 54(2)(c) of the Odisha Municipality Act, 1950.

It is stated, on instruction, that such notice was not accompanied by a copy of the requisition and



the proposed resolution, notwithstanding the recitals in the impugned notice at Annexure-1 series.

4. In this context, attention of this Court is drawn to Paragraph-11 of the writ petition wherein it has been succinctly stated that the Petitioner could come to know of such regulation(s) from other sources.

Hence it is stated that since prima facie case is made out, the matter be taken up for consideration and the Petitioner may be protected by an interim order, failing which, the lis will be rendered infructuous.

5. Such submission is vehemently opposed by Mr. Nanda, learned counsel appearing for the Opposite Parties 4 to 22 as well as learned counsel for the State referring to the very same notice which is part of Annexure-1 series.

6. Mr. Nanda, learned counsel for the Opposite Parties 4 to 22 and Mr. Swain, learned counsel for the State have specifically referred to the expression in vernacular as well as in English wherein it has been categorically stated that the notice in terms of Section 54(2)(c) of the Odisha Municipality Act, 1950 and the proposed resolution is annexed thereto and it is submitted that since the same was sent to all the Opposite Parties including Opposite Parties 4 to 22, who are represented by Mr. Nanda, who have received the notice along with its enclosures, the



submission as made by the Petitioner is figment of imagination and as such no prima facie case is made out.

7. When a query was made by this Court, learned counsel for the State submits that he does not have the record from which notice has emanated.

8. Considering the rival submissions, taking into account the issue involved, this Court is persuaded to hold that the matter merits consideration.

9. Accordingly, issue notice to the Opposite Parties.

10. Since Mr. Swain, learned counsel for the State appears on behalf of the Opposite Parties 1 to 3 and Mr. Nanda, learned counsel appears for the Opposite Parties 4 to 22 through caveat, no further notice be issued.

11. List this matter on 15.10.2025.

12. Counter affidavit, if any, be filed in the meanwhile.

13. Learned counsel for the State shall produce the original records relating to the impugned notice of "No Confidence Motion" on the next date.

(V. Narasingh)
Judge

I.A. No.17936 of 2025

Order No.

02. 1. Heard.



2. It is stated at the Bar that in terms of the impugned notice proceeding for "No Confidence Motion" for removal of the Petitioner from the post of Vice Chairperson of Rayagada Municipality has already commenced.

3. Considering the nature of challenge of the Petitioner as noted, this Court directs that the proceeding for "No Confidence Motion" for the post of Vice Chairperson of Rayagada Municipality in terms of the impugned notice vide Annexure-1 series may continue but notification, consequential to the result thereof, shall not be published without leave of this Court, till the next date.

4. Learned counsel for the State is called upon to communicate the copy of this order to the Collector & District Magistrate, Rayagada, Opposite Party No.3.

5. A copy of this order be made over to the learned counsel for the State.

6. UCC in course of the day.

(V. Narasingh)
Judge

PKS