



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31144 of 2025

Umakanta Pradhan

....

Petitioner

Mr. R. Roy, Advocate

-versus-

1. State of Odisha

....

Opposite Parties

2. Collector, Baleshwar

***3. Sub-Collector,
Baleshwar***

4. Basanta Kumar Gayana

5. Bankim Pradhan

6. Sumati Mehentar

7. Bhupendra Garu

8. Bharati Roul

9. Bulbuli Murmu

10. Gouri Sit

11. Gita Mohakuda

12. Malati Sahu

Mr. S.K. Swain, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

07.11.2025

Order No.

01. 1. The matter is not in the roster of this Court. As per the notification dated 07.11.2025, this matter is taken up, in view of the urgency as stated.

2. Heard learned counsel for the Petitioner and learned Additional Government Advocate for the State.



3. The Petitioner calls in question the notice at Annexure-1 to have been issued by the Officer purportedly discharging the duties of Sub-Divisional Officer calling for a meeting to consider the "No Confidence Motion" against the Petitioner, who is functioning as Naib Sarpanch, inter alia on the ground of lack of competency of the said Officer in view of the stipulation in Section 24(c) of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to "Act, 1964"). For convenience of reference the Section 24(c) of Act, 1964 is extracted hereunder.

"Section-24. Vote of no confidence against Sarpanch or Naib-Sarpanch

(a) xxxxxxxxxxxx

(b) xxxxxxxxxxxx

(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 dates before the date so fixed;" (Emphasized)

4. Referring to the same, it is submitted by the learned counsel for the Petitioner that since notice has not been issued by the Sub-Divisional Officer in terms of the Section 24(c) of Act, 1964, the very



issuance of notice is illegal and as such the consequential action for holding "No Confidence Motion" is to be interfered with and the same is non-est in the eye of law.

5. It is his further submission that on a bare perusal of the signatures of the requisitionists in the notice at Annexure-1, it is evident that the same is patently at variance with the admitted signatures of the Opposite Parties 4 to 12 which is on record.

6. It is submitted that since No Confidence Motion is posted for consideration by the specially convened meeting on 11.11.2025 and unless this Court interferes with the matter, the writ petition would be rendered infructuous.

7. Per contra, Mr. Swain, learned AGA for the State, referring to the provisions as contained in Section 24(f) of Act, 1964 submits that the said Section envisages that in the event the Sub-Divisional Officer is unable to attend, the meeting can be conducted by anyone authorized by him and drawing analogy in respect of Section 24(c) of Act, 1964, it is stated that there is no irregularity what to say illegality in issuance of notice. In this context he refers to relevant extract of paragraph-3.4 B of the writ petition. The same is culled out hereunder;



".....The impugned notice has been signed by one Madhusmita Samantaray who holds the post of Addl. E.O., Zilla Parishad, Balasore. As such she does not hold the authority to issue the impugned notice.

It is respectfully submitted that the said Samantaray was in-charge of the post of Sub-Collector from 22.10.2025 to 25.10.2025....."

7-A. In response thereto, it is submitted by Mr. Roy, learned counsel for the Petitioner that in the absence of a specific notification authorizing the Officer In-charge who issued the notice, the notice cannot be said to be in consonance with Section 24(c) of Act, 1964.

8. On reference to Section 24(f) of Act, 1964, it is noted that the said Section 24(f) of Act, 1964 envisages that any Gazetted Officer specially authorized by him in that behalf shall preside over, conduct and regulate the proceedings of the meeting. Whereas, such modality has consciously not been mentioned in Section 24(c) of Act, 1964.

9. On considering the rival submission with respect the provisions of Act, 1964, this Court is persuaded to hold that the matter merits consideration and accordingly notice is issued to the Opposite Parties.



10. Since the learned AGA for the State, Mr. Swain accepts notice on behalf of the Opposite Parties 1 to 3, no further notice need be issued to them.

11. Requisites for issuance of notice to the Opposite Parties 4 to 12 by speed post shall be filed by 10.11.2025 peremptorily.

12. List this matter on 17.11.2025.

(V. Narasingh)
Judge

I.A. No. 19542 of 2025

Order No.

02. 1. This I.A. has been filed for stay operation of the impugned notice dated 23.10.2025 at Annexure-1.

2. Considering the prima facie case, since notice has been issued in the connected writ petition, this Court finds substance in the submission of the learned counsel for the Petitioner, Mr. Roy that unless interim order as prayed for is passed, the writ petition would be rendered infructuous.

2-A. Issue notice as above. Accept one set of process fee.

Accordingly, in the interim, it is directed that the meeting for "No Confidence Motion" against the



Petitioner in terms of the notice at Annexure-1 shall be held but the result thereof shall not be published without leave of this Court.

3. List on the date fixed (17.11.2025).
4. U.C.C. be granted in course of the day.

(V. Narasingh)
Judge

Ayesha