

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9636/2006

(From the judgement and order dated 01/03/2005 in WP No.  
3915/2003 of The HIGH COURT OF ORISSA AT CUTTACK)

GOVT. OF ORISSA & ORS. Petitioner(s)

VERSUS

BABITA NEGI & ORS. Respondent(s)

(With appln.(s) for c/delay in filing SLP)

Date: 26/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Radha Shyam Jena,Adv.

For Respondent(s) Mr.Rutwik Panda,Adv.  
Mr. Sibor Sankar Mishra ,Adv

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

In terms of the signed order, the appeal  
is allowed and the order of the High Court is  
set aside and the writ petition challenging the  
order dated 26.3.2003 stands rejected.

(O.P. Sharma)  
Court Master  
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(J.P.Sharma)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10063 OF 2010  
(Arising out of SLP(C) No.9636/2006

GOVT. OF ORISSA & ORS.

Appellants

VERSUS

BABITA NEGI & ORS.

Respondents

O R D E R

Leave granted.

Heard.

2. In pursuance of an order dated 20.1.2003 passed in W.P.No.55385 of 2002, the State Government considered the representation of the writ petitioners therein, ordered that the headquarters of Charpalli Gram Panchayat fixed at Charpalli will continue at Charpalli.

3. By a subsequent notification dated 26.3.2003, considering the administrative convenience, geographical location and infrastructure facilities, the Government being of the view that Lambarjuna would be suitable for the headquarters of Charpalli Gram Panchayat, fixed Lambarjuna as the headquarters of the Charpalli Gram Panchayat. That was challenged by the respondents in Writ Petition (C) No.3915 of 2003 inter alia on the ground that there was no need for changing the headquarters of the Charpalli Gram Panchayat within a month of the earlier order deciding Charpalli as the headquarters. The High Court by the impugned judgment dated 1.3.2005 allowed the said petition on the ground

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that no material was placed to show that it was necessary to shift the headquarters of Charpalli Gram Panchayat to village Lambarjuna for administrative convenience. The said order is challenged by the State Government in this appeal by special leave.

3. The decision as to where the headquarters of a panchayat is to be situated, has to be taken by the State Government considering the administrative convenience, geographical situation and infrastructure facilities under Section 4(3) of the Orissa Grama Panchayat Act. The State Government has demonstrated with reference to a map of the 10 constituent villages in Charpalli Gram Panchayat, that Lambarjuna village is more nearly centrally located and more easily accessible from the

villages when compared to Charpalli.

In the absence of

any allegations of malafide or arbitrariness, the High

Court ought not to have interfered with the change of the

headquarters.

In fact, we are told that before the High

Court rendered its decision, the headquarters were

shifted to Lambarjuna and functioning from Lambarjuna

where appropriate premises have also been found.

Be that

as it may.

4. This appeal is allowed and the order of the High

Court is set aside and the writ petition challenging the

order dated 26.3.2003 stands rejected.

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.....J.  
[ R.V. RAVEENDRAN ]

NEW DELHI;  
NOVEMBER 26, 2010

.....J.  
[ A.K. PATNAIK ]