
(1987) 04 OHC CK 0025

In the Orissa High Court

Case No : Original Jurisdiction Case No. 1981 of 1986

Barun Chandra Mohanta

APPELLANT

Vs

The State of Orissa and Others

RESPONDENT

Date of Decision : 22-04-1987

Acts Referred:

Orissa Grama Panchayat Act, 1964 — Section 4(3)

Citation : (1987) 63 CLT 714

Hon'ble Judges : K.P. Mohapatra, J;G.B. Patnaik, J

Bench : Division Bench

Advocate : S.K Padhi, J.M. Das. and S.S. Das, for the Appellant; Addl. Standing Counsel and S.P. Mohapatra, for the Respondent

Final Decision : Allowed

Judgement

K.P. Mohapatra. J.

1. In this writ petition the Petitioner has prayed for a direction to the opposite parties for construction of the Grama Panchayat Ghar of Chhatna Grama Panchayat of Rasagovindpur Block at village Chhatna.

2. The facts may be stated in brief. Village Chhatna is the headquarters of Chhatna Grama Panchayat within Rasagovindpur Block area of Mayurbhanj district. By office order (Annexure-I) dated 18-10-1985, the District Panchayat Officer (opposite party No. 3) directed construction of the Grama Panchayat Ghar of Chhatna Grama Panchayat at village Chhatana. The order was reiterated in Annexure-2 dated 16-12-1985 and Annexure-3 dated 24-1-1986. But the members of the said Grama Panchayat headed by its Sarpanch resolved on 17-4-1984 (Annexure A/4) that for the sake of convenience of the-people of the Grama Panchayat the Grama Panchayat Ghar should be constructed at village Kapoi. Apparently the resolution (Annexure A/4) is contrary to the provisions of Section 4 (3) of the Orissa Grama Panchayat Act which envisages that the office and headquarters of the Grama Sasan shall be situated within the limits of the

Grama and unless otherwise ordered by the State Government in the village bearing the name of the Grama. Therefore the Grama Panchayat Ghar of Chhatna Grama Panchayat, according to the directions of the District Panchayat Officer (opp. party No. 3), should be constructed at village Chhatna and not at village Kapoi.

3. Opposite party No. 3 in his counter has stated that until direction is received from Government for shifting of the headquarters of Chhatna Grama Panchayat from village Chhatna to village Kapoi, the Grama Panchayat Ghar meant for Chhatna Grama Panchayat must have to be constructed at village Chhatna and not at any other place. Virtually, therefore, he has entirely supported the Petitioners case. Opposite party No. 7 through its Sarpanch in a counter has stated that the people of the Grama Panchayat wish that the Grama Panchayat Ghar should be constructed at village Kapoi for general convenience. Therefore, a resolution was passed by the majority of the elected member of the Grama Panchayat. So there is no necessity of construction of the Grama Panchayat Ghar at village Chhatna.

4. Having heard the learned Counsel appearing for both parties we find that the only point for consideration is whether the Grama Panchayat Ghar of Chhatna Grama Panchayat should be constructed at the headquarters of the said Grama Panchayat located at village Chhatna or at any other village of the said Grama Panchayat. The relevant provisions are quoted for easy reference:

3. Constitution of Grama:

(1) The State Government may for the purposes of this Act by declaration notified in the Gazette constitute any village or group of contiguous villages as a Grama and assign to such Grama, a name which shall be of one of the villages comprised within the Grama.

x x x

4. Constitution and incorporation of Grama Sasan:

x x x

(3) The office and headquarters of the Grama Sasan shall be situated within the limits of the Grama and unless otherwise ordered by the State Government in the village bearing the name of the Grama.

A plain construction of the aforesaid provisions will show that a Grama Panchayat constituted by the State Government shall bear the name of a Grama. The office and headquarters of the Grama Sasan shall be situated within the limits of the Grama unless otherwise ordered by the State Government. In other words, the Grama Panchayat Ghar shall be constructed at the village which is the headquarters of the Grama Panchayat as such headquarters bears the name of the Grama Panchayat. Applying the principle underlined in the aforesaid provisions it is apparent that the headquarters of Chhatna Grama Panchayat is at

village Chhatna and unless otherwise directed by the State Government, the Grama Panchayat Ghar has to be constructed at village Chhatna. The members of the Grama Panchayat have no authority according to law to select another village for construction of the Grama Panchayat Ghar. The resolution (Annexure A/4) passed by them is, therefore, not in accordance with law. We are clearly of the opinion that as and when the Grama Panchayat Ghar shall be constructed for Chhatna Grama . Panchayat it has to be done only at village Chhatna unless otherwise directed by the State Government. It has not been shown to us that any direction has been given by the State Government for construction of the Grama Panchayat Ghar at village Kapoi. Therefore, the Grama Panchayat Ghar cannot be constructed at that village.

5. For the aforesaid reasons we allow the writ petition and direct that the Grama Panchayat Ghar of Chhatna Grama Panchayat shall be constructed at village Chhatna unless otherwise ordered by the State Government in accordance with Section 4 (3) of the Act. Parties shall bear their own costs.

G.B. Patnaik, J.

6. I agree.