
(2015) 08 OHC CK 0060
In the Orissa High Court
Case No : Writ Petition (C) No. 14087 of 2015

Jukta Majhi

APPELLANT

Vs

Collector Bolangir and Others

RESPONDENT

Date of Decision : 04-08-2015

Acts Referred:

Orissa Grama Panchayat Act, 1964 — Section 11, 25, 26, 26(2)

Citation : (2015) 2 OLR 508

Hon'ble Judges : Sanju Panda, J

Bench : Single Bench

Advocate : Trilochan Nanda and B.K. Panda, for the Appellant

Final Decision : Disposed off

Judgement

Sanju Panda, J—Heard learned for the petitioner and learned Addl. Government Advocate for the State.

2. Petitioner in this Writ Petition Challenges the notice dated 08.07.2015 issued by the opposite party No. 2- Sub-Collector, Balangir calling upon the petitioner to attend the enquiry as per Section 26(2) of the Orissa Grama Panchayat Act pursuant to the direction of the opposite party No. 1.

3. The petitioner contended that she is functioning as the elected Sarpanch of Daspur Grama Panchayat in the district of Bolangir. The opposite party No. 3 has filed an application under Section 11 read with Sections 25, 26(2) of the Orissa Grama Panchayat Act before opposite party No. 1, which was registered as Election Misc. Case No. 6 of 2014 in the Court of learned Collector, Bolangir. The main plea of opposite party No. 3 that the petitioner is unable to read, write and understand Odia.

4. In view of the Section 26 of the Grama Panchayat Act, which stipulates that whenever it is alleged that any Sarpanch or Naib Sarpanch or any other member is or has become disqualified, the Collector either on receiving information or suo motu make such enquiry as he considers necessary and after giving the person

whose disqualification is in question an opportunity of being heard, determine whether or not such person is or has become disqualified. Section 26 clearly shows that the enquiry has to be conducted by the Collector himself. In the present the said statutory provision has not been complied with.

5. Accordingly, notice dated 8.07.2015 issued by the opposite party No. 2 Sub-Collector, Bolangir under Annexure-1 is quashed and this Court directs the opposite party No. 1 to proceed with the enquiry in accordance with law.

6. Accordingly, the Writ Petition is disposed of.

7. A free copy of the order be handed over to learned Addl. Government Advocate for onward communication.

8. Urgent certified copy of this order be granted on proper application.