

(2026) 02 OHC CK 1695
In the Orissa High Court
Case No : Writ Appeal No. 1721 of 2025

Manamati Pujari

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 03-02-2026

Acts Referred:

Odisha Grama Panchayat Act, 1964 — Section 2(c), 24, 24(2)(c), 25, 26

Citation : (2026) 02 OHC CK 1695

Hon'ble Judges : Dixit Krishna Shripad, J;Chittaranjan Dash, J

Bench : Division Bench

Advocate : S.K. Dalai, J. Bhuyan, B. Bhuyan, S. Mahapatra, Suman Pattanayak

Final Decision : Allowed

Judgement

Dixit Krishna Shripad, J

1. The Sarpanch of Grama Panchayat is in this Intra-Court appeal for laying a challenge to a learned Single Judge's order dated 13.10.2025 whereby his W.P. (C) No.4096 of 2025 has been negatived. In that petition, he had, in substance, called in question the proceedings of No Confidence mainly on the ground that the statutory notice was not accompanied by copies of requisition & proposed resolution.

2. Learned counsel appearing for the appellant vehemently argues that the No Confidence Motion is fraught with infirmity, inasmuch as the mandatory requirement of meeting notice being accompanied by copies of requisition & proposed resolution was not met and thus, there is a gross violation of the provisions of Section 24 of the Odisha Grama Panchayat Act, 1964. He presses into service a Full Bench decision of this Court in Nabanita Kapat Patra v. Collector, Kandhamal, 2025 (III) ILR-CUT-1221, in support of his contention.

3. Learned AGA appearing for the official respondents resists the appeal making submission in justification of the impugned order and the findings recorded by the learned Single Judge. She contends that the requirement is that the notice

should be accompanied by copies of the requisition & proposed resolution; the mode of service pales into insignificance if it is otherwise demonstrated that the Sarpanch received notice & accompaniments from different sources; the postal parcel weighed 20 grams and admittedly it reached hands of the appellant; notice would weigh four or five grams and therefore, it should be presumed that the remainder of the weight was of its accompaniments.

So contending, she seeks dismissal of the appeal.

4. Having heard the learned counsel for the parties and having perused the appeal papers, we are inclined to grant a limited indulgence in the matter as under and for the following reasons:

4.1. We have very carefully perused the original records, which learned AGA had secured on our direction and returned the same to her. There is evidentiary material, namely, the certificate of posting to vouch the contention that the notice of meeting sent by the Sub-Divisional Officer under Section 24(2)(c) of the Act has reached the hands of appellant; however, there is absolutely no evidentiary material to support the contention that the envelope sent by certificate of posting, had contained accompaniments of the notice, namely, copies of requisition & proposed resolution for No Confidence. This view is supported by what A.B. Majumder's 'Law Relating to Notices' (8th Edition) says. It also gains support from Harihar Banerji v. Ramshashi Roy, AIR 1918 PC 102. On the basis of weight of the envelope sent through certificate of posting, one cannot hurriedly jump to the assumption that it contained notice and copies of requisition & proposed resolution. The letter relied upon by the learned AGA, mentioning service of all this being a document generated post commencement of litigation, does not earn much credence. This aspect has not been duly discussed in the right perspective in the impugned order.

4.2. Learned counsel for the appellant is more than justified in telling us that the Full Bench decision in Nabanita supra has held that the provisions of Section 24 of the Act providing for removal of Sarpanch/Naib Sarpanch are in the nature of law relating to election and therefore, the same have to be construed as mandatory. In the said decision, it is observed as under:

"(iv) As already mentioned, Sub-Section (2)(c) is clear & emphatic in prescribing the procedure for issuance of notice of No Confidence Motion. The structure is: Firstly, Notice should be a minimum of seven (7) days. Secondly, it should contain date, time & place of meeting. Thirdly, it should be accompanied by a copy of requisition. Fourthly, it should also be accompanied by a copy of "resolution proposed?. This provision employing the expression "such notice along with a copy of the requisition and of the proposed resolution? has been continuing on the Statute Book since more than six decades. The Act has seen a plethora of amendments till now, but the text of this provision has conspicuously remained unaltered. Provisions of the kind are made in the accumulated legislative wisdom gained through years of experience. We add that when the

text of a statute is unambiguous, it does not admit any interpretation. It has to be taken as it is. Maxwell on "The Interpretation of the Statutes; Twelfth Edition by P. St. J. Langan at Pg.29, writes;

"Where the language is plain and admits of but one meaning, the task of interpretation can hardly be said to arise.... Where, by the use of clear and unequivocal language capable of only one meaning, anything is enacted by the legislature, it must be enforced however harsh or absurd or contrary to common sense the result may be. The interpretation of a statute is not to be collected from any notions which may be entertained by the court as to what is just and expedient"

4.3. The above being said, learned AGA is right in telling us that the No Confidence Motion if found to be defective, the proceedings in their entirety cannot be quashed; the mandatory requirement of meeting notice being accompanied by copies of requisition & proposed resolution, if not complied with would mar a particular stage of the proceedings. A different argument seeking to absolve the appellant from any such proceeding, does not merit acceptance. In the fitness of things, the matter needs to be remitted to the portals of Sub-Divisional Officer/Competent Authority to the stage of issuing notice, which necessarily has to have the accompaniments as mentioned and to proceed with the matter to its logical conclusion. Therefore, all those who were members of the Panchayat at the stage of issuing notice, can participate in the meeting for No Confidence Motion. A few of them are liable to be removed because of proceedings under Sections 25 & 26 of the Act would pale into insignificance.

4.4. The last submission of learned counsel for the appellant that the proceedings having been set at naught, his client should be permitted to immediately resume the office does not much impress us, regard being had to the nature of allegations and the proceedings that may eventually culminate into her removal from a Public Office of pivotal importance to the Panchayat. Therefore, in the peculiar circumstances, we do not permit the Sarpanch to resume the office immediately as if there is no cloud on her head. Much need not be deliberated in this regard.

In the above circumstances, this appeal succeeds in part; appellant's W.P.(C) No.4096 of 2025 having been partly favoured, the No Confidence Proceedings up to the stage of issuance of notice are quashed; matter is remitted to the portal of Sub-Divisional Officer/Competent Authority to proceed afresh in accordance with law. Costs made easy.

Web copy of judgment to be acted upon by all concerned.