

(2003) 06 OHC CK 0026

In the Orissa High Court

Case No : Original Jurisdiction Case No. 7544 of 2000

Ramesh Sundara and Others

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 24-06-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 2 OLR 195

Hon'ble Judges : R.K. Patra, J;M. Papanna, J

Bench : Division Bench

Advocate : Pitambar Acharya, S.K. Pati and O.P. Dash, for the Appellant; R.N. Acharya, A.G.A. for O. Ps. 1 to 3, G.D. Tripathy, A.K. Swain, A.P. Misra, B. Jalli, D.R. Mohapatra and T.K. Rath, for the Respondent

Final Decision : Dismissed

Judgement

R.K. Patra, J.—The petitioner's are said to be elected Ward Members of Kantia Gram Panchayat under Jatni Block of the district of Khurda. In this writ petition, they seek quashing of the work order dated 7.6.2000 at Annexure-4 issued by the Block Development Officer in favour of opposite party No. 5 relating to the work "restoration of Kantia road to Gram Panchayat office road".

2. The sum and substance of the grievance of the petitioners is that before the work was entrusted to opposite party No. 5, the Ward Members were not noticed nor any meeting was convened by the Block Development Officer for the purpose.

3. In the counter affidavit filed by the Block Development Officer, the allegations made in the writ petition have been stoutly denied. It has been stated therein that Palli Sabha was conducted in village Kantia for selection of village work representative to execute the emergent work damaged during , the super cyclone. Notices were duly issued On 26.5.2000, Palli Sabha was held under the Chairmanship of the Sarpanch (opposite party No. 4) along with two Ward Members, namely, Tukuna Mandhata, Ward No. 11, and Laxmi Priya Das, Ward

No. 8. In the said meeting, it is not known why other Ward Members did not attend. On consideration, the Palli Sabha selected opposite party No. 5 to execute the work in question. After receiving the resolution of the Palli Sabha the Block Development Officer issued work order to opposite party No. 5 who has in the mean time executed the work. The Junior Engineer has already certified this fact in his report at Annexure-J/3.

4. On consideration of the submission of the counsel for parties and on perusal of the pleadings, we are satisfied that no illegality was committed in entrusting the work in question to opposite party No. 5.

5. For the reasons aforesaid, we do not find any merit in this writ petition which is accordingly dismissed.