

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.1249 OF 2022

Kamal Lochan Behera & anr.

....

Petitioners

Mr.P.Mohanty, Sr.Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA
B.Routray, Sr.Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
21.1.2022**

01. 1. This matter is taken up through video conference mode.
2. Heard Mr.P.K.Mohanty, learned Senior Counsel being assisted by Mr.P.Mohanty, learned counsel for the Petitioner, Mr.S.P.Panda, learned Additional Government Advocate for the State and Mr.B.Routray, learned senior counsel appearing for the State Election Commissioner.

3. The Writ Petition involves the following prayer :-

“It is therefore prayed that this Hon’ble Court be graciously be pleased to issue rule Nisi, in the nature of writ of MANDAMUS and/or any other appropriate writ/writs, direction/directions and order/orders, calling upon the Opp.Parties to show cause as to why the O.P.Nos.1, 2 & 3 shall not be commanded to provide the grounds/reasons of the consideration of the objection, vide Annexure-5 dated 29.12.2021 of the Petitioners submitted in response to Annexure-3 & 4 for consideration by this Hon’ble Court, regarding its validity and in the event, there has been either non-consideration and/or no cogent reasons for consideration, quash the final notification vide Annexure-6 & 7, consequently to reserve the office of Sarapanch and P.S. Member of Gopinathpur G.P. and for Kanas P.S., for schedule caste candidates, in the district of Puri, for the ensuing Orissa State Panchayat Election, 2022 within a particular time...”

4. The Challenge involving the Writ Petition appears to be, the Competent Authority is proceeding in the Election of Grama Panchayat and Panchayat Samiti without consideration of the representation of the Petitioners available at Annexure-5. Considering the above allegation, the matter was adjourned to today with direction to the learned Additional Government Advocate.

5. Mr.S.P.Panda, learned Additional Government Advocate on instruction submitted that the final publication of Reservation List has been made on 7.1.2022 (Gazette Notification under Section 13 of the OGP Act on 8.1.2022) only after consideration of the representation of the Petitioners and there is already attempt to communicate the outcome to the Petitioners involved.

6. In the circumstance, this Court finds, the issue, if any, subsists is required to be adjudicated in appropriate proceeding but only involving the outcome in the representation of the Petitioners. Let a copy of the decision taken on the representation of the Petitioners under Annexure-5 be communicated to the Petitioners involved herein. It is at this stage of the matter, Mr.Mohanty, learned counsel for the Petitioners seeks liberty for withdrawal of the Writ Petition to approach under a fresh attempt.

7. The Writ Petition thus stands disposed of as withdrawn but with the liberty as prayed for.

8. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a print out of the

order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Memo No.492(100) dated 7.1.2022.

(Biswanath Rath)
Judge

M.K.Rout

