

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.6757 OF 2022

Bilasini Seth

....

Petitioner(s)

Mr. B. Seth,
Advocate

-versus-

State Of Odisha & Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.
Mr. B. Routray,
Sr. Adv. being assisted by
Ms. M. Panda,
Adv.

CORAM:
JUSTICE BISWANATH RATH

ORDER
21.03.2022

Order No.

01. 1. This writ petition involves the following prayer:

“

PRAYER

It is therefore prayed that this Hon'ble Court may graciously be pleased to admit this writ petition and issue notice to the Opp.Parties call for the records and after hearing both the parties this Hon'ble Court may direct the Opp.Parties for recounting the vote of Babufasad Gram Panchayat in G.P. Election dated 18.02.2022 for the post of Sarpanch under Agalpur Block in the district of Bolangir in the interest of justice.”

2. As per the statement of Mr. Seth, learned counsel for the Petitioner, the Petitioner has applied for re-counting and such request is not being attended to by the competent authority and therefore the

Petitioner is constrained to apply through this writ petition. Undisputedly the Gram Panchayat Election is already over. There is no dispute that the Election is already over long since and there is already declaration of the result.

3. In the circumstance, this Court finds, the Officers entrusted in the Election duty have already become Functus Officio and therefore, re-counting aspect can only be taken by the competent authority undertaking the Election Dispute. This Court, therefore, finds, relief sought for by way of this writ petition cannot be entertained.

4. The writ petition is accordingly dismissed. It is, however, made clear that dismissal of the writ petition shall not stand on the way of the Petitioner in availing any other remedy available for this purpose and observation made herein shall also not create any obstruction in the approach of the Petitioner.

(Biswanath Rath)
Judge