

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11713 of 2022

Savara Mallick

..... Petitioner
Mr.Rajeet Roy, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr.Y.S.P.Babu, A.G.A..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
21.06.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. Learned Additional Government Advocate points out that in the prayer portion of the writ petition, it is stated that “to admit this PIL writ petition”, which clarifies by the learned counsel for the Petitioner that the same is inadvertence. Accordingly, the same be ignored.
4. The Petitioner has filed the present writ application with the following prayer:

“It is, therefore, most humbly prayed that this Hon’ble Court may graciously be pleased to admit this PIL with petition, call for the records and issue RULE NISI calling upon the Opposite Parties to show cause as to why firstly a criminal case should not be registered against the Sarpanch Smt.Devaki Nag, the Panchayat Executive Officer – Sri Nanda Kishore Suna and the Junior Engineer –Sudhir Kumar Panda, in view of the findings of the Opposite Party No.2 & 4 in their enquiry reports and secondly why the disciplinary proceedings initiated

against the Sarpanch Smt.Devaki Nag, the Panchayat Executive Officer,-Sri Nanda Kishore Suna and the Junior Engineer-Sudhir Kumar Panda should not be concluded in a time bound period.

And if the Opp.Parties fail to show cause or show insufficient cause, this Hon'ble Court may make the said rule absolute by directing the Opposite Parties to forthwith initiate criminal case against the Ex-Sarpanch Smt.Devaki Nag, the Panchayat Executive Officer-Sri Nanda Kishore Suna and the Junior Engineer-Sudhir Kumar Panda and to conclude their disciplinary proceedings in a time bound period.

5. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the Collector-cum-District Magistrate, Subarnapur on 22.07.2021 under Annexure-3 series. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.2 to consider the representation of the Petitioner under Annexure-3 series within a stipulated period of time.

6. Learned Additional Government Advocate submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.2, which is stated to be pending, in accordance with law within a stipulated period of time.

7. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.2 to consider the representation of the Petitioner under Annexure-3 series in accordance with law within a period of three months from the date of production of certified copy of this order. The Opposite Party No.2 shall do well to dispose of the representation of the Petitioner under Annexure-3 series by passing a speaking and reasoned order. The decision so taken on the

representation of the Petitioner, shall be communicated to the Petitioner within a period of two weeks thereafter.

8. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

