

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12391 OF 2022

Prasanta Kumar Behera

Petitioner

Mr. Sukanta Kumar Dalai, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.06.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. Vakalatnama filed by Mr. Dalai is available on record.
 3. The Petitioner in this writ petition prays for a direction to the learned Senior Civil Judge, Soro for early disposal of the Election Misc. Case No.01/3 of 2022.
 4. It is submitted by Mr. Dalai, learned counsel that the Petitioner has filed an election petition under Sections 44-A, 44-B and 44-J of the Orissa Panchayat Samiti Act, 1959 to declare the election of Opposite Party No.1 (Opposite Party No.5 herein) as member of Panchayat Samiti of Khaira Gram Panchayat under Khaira Block as void and illegal and to declare the Petitioner as duly elected member of Panchayat Samiti of Khaira Gram Panchayat. It is his submission that the Petitioner and Opposite Party No.1 have got equal number of votes. The Opposite Party No.1 has been elected by way of lottery conducted by the Presiding Officer. Since it is an election dispute, learned Senior Civil Judge, Soro should make an endeavour for early disposal of the same. If the matter is otherwise ready for hearing and there is no legal impediment. Hence, this writ petition has been filed for the aforesaid relief.

5. Mr. Mishra, learned Additional Standing Counsel, on the other hand, submits that the election petition has been filed on 11th March, 2022 and the same is not ready for hearing. On the last occasion, i.e. on 21st June, 2022, this Court directed learned counsel for the Petitioner to file the order sheet of election misc case to appraise the Court about the status of the proceeding. Accordingly, the Petitioner filed a copy of the order sheet dated 9th May, 2022 passed in said election petition from which it appears that the matter is pending for consideration of a petition filled to treat the notice against the Opposite Party No.1 to be sufficient. It appears that the matter is posted to 23rd June, 2022 for filing objection to the said petition by Opposite Party No.3. It is, however, submitted that the Opposite Party No.2 has been set *ex parte* in the matter and no petition for setting aside the said order has yet been filed.

6. Taking into consideration the submissions of learned counsel for the parties, this Court finds that the matter is not ready for hearing. As such, no direction for early disposal of Election Misc. Case No.01/3 of 2022 can be issued at this stage. However, it is observed that parties to the Election Misc. Case No.01/3 of 2022 should co-operate with learned Senior Civil Judge, Soro, who shall make an endeavour for early disposal of the same.

7. With the aforesaid observation, this writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge