

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13779 of 2022

Narayan Pagal & others **Petitioners**

*Mr. Sarada Prasanna Sarangi, Advocate
along with Mr. P.K.Dash, Advocate*

-versus-

State of Orissa & others **Opp.parties**

Mr. Swayambhu Mishra, ASC for O.P.Nos.1, 3, 4, 5 and 6

CORAM:

JUSTICE M.S.SAHOO

ORDER

31.05.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioners refers to the order dated 24.05.2022 passed by the opposite party no.4-Election Officer (Annexure-4 to the writ petition: page-65 last paragraph), Atta Weavers Co-operative Societies which is result of the petition dated 22.05.2022 filed by the petitioners before the authorities. Some of the findings given by opposite party no.4, which are in the vernacular language 'Odia' are translated and reproduced below:
 - (i) That most of the complaints have a basis for which enquiry by the Department as well as investigation is necessary.
 - (ii) Since addition as well as deletion of the names of members in the voters list is an issue to be dealt with by the Department and is also time consuming to carry out such correction in the voter list, is beyond my (of the opposite party no.4-Election Officer) jurisdiction.

(iii) Voters whose name finds place more than once in the list is to be corrected, wherever names of husband and wife appears separately that has to be corrected to count them jointly as one voter and delete one of the names from the list.

(iv) If any member of another society his/her name is to be deleted.

(v) The name of the persons, who have died which finds place in the voter list, shall be deleted in the next voter list.

3. It has been further observed by the said order that the Election Officer is sending all the complaints to the authorities of the concerned Department as well as Higher authorities for their information and necessary action.

4. It is submitted by the learned counsel for the petitioners that once the Election Officer has found such serious irregularities in the list of voters in his report, holding of further election as per schedule, would result in failure of the election process and, therefore, the higher authority as well as the departmental authority, those have been intimated as per the Annexure-4 have to consider the issue and take a decision at the earliest.

5. Accordingly, the writ petition is disposed of observing that the higher authority and the departmental authority, those have been intimated by the order of the Election Officer dated 24.05.2022, i.e. the opposite party no.2, opposite party no.3 and opposite party no.5 shall do the needful in accordance with law.

6. The petitioner shall have the liberty to produce the certified copy of this order along with order dated 24.05.2022 and all other relevant documents before the authority for their consideration.

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

The order be uploaded in the official website.

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M.S.Sahoo
Vacation Judge

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