

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21316 of 2022

Hemanta Kar

....

Petitioner(s)

Mr. K.K. Dash,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Parties

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
30.08.2022**

Order No.

02.

1. This writ petition involves the following prayer:-

“The petitioner, therefore prays that your lordship may be pleased to consider the facts stated in the writ petition, issue notice to the opposite parties as to why the Mandamus shall not be issued declaring the election as void in view of the grounds facts and law stated herein above in the writ application and if they fails to show cause or show insufficient cause make the rule absolute issue a writ of mandamus to declare the election dated 02.03.2022 to the office of Sarpanch of Maniguda Gram Panchayat in Nuapada district is void and the Petitioner being placed in the Second position be declared elected and issue such other appropriate writ/ writs, direction / directions, order / orders as your Lordship deem fit and proper in the interest of justice in the given facts and circumstances of the case.”

2. Looking to the prayer of the Petitioner this Court is of this view that no Writ Court can directly issue a mandamus declaring the

elected Sarpanch or a Member of the Gram Panchayat invalid. This Court is, therefore, not inclined to entertain the Writ Petition. It is, however, made clear that if the Petitioner finds any statutory provision to undertake such exercise, he may avail the same.

3. The Writ Petition is accordingly dismissed.

(Biswanath Rath)
Judge

Ayaskanta Jena

