

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22582 OF 2022

Prasan Kumar Das

....

Petitioner

Mr. B.K. Nayak, Advocate
on behalf of Mr. Gopinath Mishra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

01.11.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the State Election Commission, Odisha, Bhubaneswar-Opposite Party No.2 to consider and dispose of his representation dated 15th July, 2022 (Annexure-4).
3. It is submitted by Mr. Nayak, learned counsel appearing on behalf of Mr. Mishra, learned counsel for the Petitioner that the Petitioner submitted an application in Form-A for supply of certain information from the PIO, Office of the Panchayat Samiti, Baliana. While answering the question No.2, the PIO replied that since the ballot papers are sealed and kept in strong room, information regarding the same cannot be given without permission of the Election Commission or the Court. The Petitioner accordingly made a representation before the State Election Commission, Odisha, Bhubaneswar-Opposite Party

No.2 on 15th July, 2022 under Annexure-4 for grant of permission to supply information. It is also submitted that assailing the order passed by the PIO, the Petitioner has already filed first appeal, which is pending for consideration before the State Election Commission.

4. In view of the submission made by learned counsel for the Petitioner and that an appeal is pending for consideration, direction for disposal of the representation of the Petitioner pending before the State Election Commission will not be proper.

5. Accordingly, this writ petition is disposed of with an observation that the Petitioner, if so advised, may pursue his appeal pending before the State Election Commission, Odisha, Bhubaneswar-Opposite Party No.2 under the Right to Information Act, 2005.

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

(K.R. Mohapatra)
Judge

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