

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.27519 of 2021**

***Manisha Choudhury***

.....

***Petitioner(s)***

*Mr.H.N.Mohapatra, Advocate*

**- Versus-**

***State of Odisha & Ors.***

.....

***Opposite parties***

*Mr.S.P.Mishra,Sr.Advocate and  
Mr R.K Rout, Advocate*

**CORAM:**

**JUSTICE BISWANATH RATH**

**ORDER**

**06.01.2022**

Order No.

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1. Heard Mr.Mohapatra, learned counsel for the petitioner and Mr.Mishra, learned Senior Counsel being assisted by Mr.R.K.Rout, learned counsel for the opposite party nos. 6 to 23.

2. While petitioner placing reliance of Section 46-B(2) of the Orissa Panchayat Samiti Act, 1959, in order to satisfy his grievances contesting opposite parties taking this Court to the maintainability of the writ petition relying on the provision at Section 54-A (1) of the Act, 1959 . This Court finds the provision at section 54(A) of the Act reads as follows:

**54-A. Revision and review-** (1) The Government may, either suo motu or on an application from any person interested, call for and examine the record of a Samiti in respect of any proceeding [(including any proceeding under Section 46-B)] or the correctness, legality or

propriety of any decision or order passed therein and if in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass orders accordingly.

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.”

Keeping in view the above clear provision giving scope for consideration of each and every aspect involving the impugned order, for the opinion of this Court, the writ petition in the present form is not maintainable. It is at this stage of the matter, Mr.Mohapatra, learned counsel appearing for the petitioner seeks liberty to the petitioner to move the Government under the provision noted above. On the premises of his bonafidely moving this writ petition before this Court, for considerable wastage of time on entertaining such writ petition, considering the request of Mr.Mohapatra, learned counsel for the petitioner, without entering into the merit of the writ petition, this Court permits withdrawal of the writ petition with liberty to the petitioner to exercise his option under Section 54-A of the Act, 1959. Considering that the petitioner remained under bonafide impression all through, this Court while disposing the writ petition as withdrawn but however observes, if so advised, petitioner may raise complain under Section 54-A of the Orissa Panchayat Samiti Act, 1959 at least by Monday, in such event hearing on his application shall be made and the matter will also be disposed of within a period of four weeks but however after giving opportunity of hearing to the parties likely to be affected in issuing notice

to such parties through special messenger at the cost of the petitioner.

3. Issue urgent certified copy of this order on proper application.

**(Biswanath Rath)**  
**Judge**

Sks

