

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 2246 of 2022

Rajkishore Bindhani

...

Petitioner

Ms. Bini Mishra, Advocate.

-Versus -

State of Odisha

....

Opp. Party

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The petitioner challenges the proceeding initiated against him by the Collector, Balasore under the provisions of Section 167 of Representation of the People Act, 1951.
3. The main allegation against the petitioner is that he being the owner of a vehicle, which was requisitioned for election duty, did not obey the same.
4. It is the petitioner's case that the requisition was never served upon him but on his driver which is not akin to personal service within the meaning of Rule 98(b) of the Conduct of Election Rules, 1961. It is further stated that a warrant of arrest was issued by the Collector vide order dated 20.05.2022. However, the same appears to have been recalled as per order dated 01.08.2022, copy of which has been enclosed as Annexure-5 to the petition. It is submitted that the petitioner has been called upon to file a show case to the notice but he has already filed a show cause, which has not been considered by the Collector.

5. In view of the fact that the proceeding is pending before the appropriate authority, this Court deems it proper to dispose of the petition with direction to the Collector, Balasore to consider the show cause said to have been filed by the petitioner and in case the same is not on record, to grant an opportunity to the petitioner to submit his show cause within a period of one week. The Collector, Balasore shall also grant opportunity of hearing to the petitioner and dispose of the proceeding by passing a lawful order within a period of two weeks thereafter.
6. CRLMP is disposed of accordingly.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

