IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 10699 of 2026

1. Tulasi Dehury …. ***Petitioner***
2. Anita Mantry
3. Jitu Dehuri

Mr. A.K. Biswal, Advocate

-versus-

1. State of Odisha, represented through the Principal Secretary, Department of Panchayat Raj Development, At-Secretariat Building, Bhubaneswar, Dist-Khurda.
2. The Collector, Cuttack
3. The Sub-Collector, Athagarh
4. Block Development Officer, Athagarh
5. Gyana Ranjan Dash …. ***Opposite Parties***

Mr. M.R. Mohanty, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
10.04.2026

Order No.

01. 1. Heard learned counsel for the Petitioners and learned counsel for the State.

2. The Petitioners, who are the ward members of Kandarei Gram Panchayat, being aggrieved by the order dated 20.03.2026 passed by the Sarpanch, Kandarei G.P. at Annexure-5 disqualifying them in purported exercise of power under Section 25(2) of the Odisha Gram Panchayat Act, 1964, have preferred the present writ petition.

3. It is the submission of the learned counsel that the Petitioners had moved a No-confidence motion against the Sarpanch, Kandarei Gram Panchayat (Opposite Party No.5) and assailing the same, he had moved this Court in W.P.(C) No.2924 of 2026 and the same is pending consideration.

4. It is alleged that being aggrieved by the move of the Petitioners to institute a No-confidence motion to feed fat his grudge, the impugned order at Annexure-5 dated 20.03.2026 has been passed and referring to the provisions as contained in Section 26 of the Odisha Gram Panchayat Act, 1964 which deals with procedure of giving effect to disqualification and more particularly sub-section-2 thereof, which is extracted hereunder, it is submitted that ex-facie the order passed by the Opposite Party No.5 is without jurisdiction.

> "26.(1) xxx xxx xxx
>
> (2) The Collector may suo motu or on receipt of an application under sub-section (1), make

such enquiry as he considers necessary and after giving the person whose disqualification is in question an opportunity of being heard, determine whether or not such person is or has become disqualified and make an order in that behalf which shall be final and conclusive.

xxx xxx xxx"

5. Per contra, learned counsel for the State submits that since the Petitioners have filed a representation to the Block Development Officer, without pursuing they have rushed to this Court. Hence, this writ petition is not entertainable.

6. It is submitted by the learned counsel for the Petitioners, referring to Annexure-3 that the Collector is in seisin of the matter in G.P. Misc. Case No.05 of 2026, which was instituted on 11.03.2026 and the next date is fixed to 15.04.2026 but notwithstanding the same, the impugned order is passed on **20.03.2026**.

7. Since the matter is pending before Collector, this Court refrains from making any observation regarding the veracity of the claim, but in the peculiar facts of the present case calls upon the Collector to dispose of the G.P. Misc. Case as expeditiously as possible within a period of four weeks from the date of receipt of copy of this order, after adhering to principle of natural justice.

In the peculiar factual matrix of the case, it is directed that till the matter is disposed of by the Collector, there shall be stay of operation of the impugned order.

8. Learned counsel for the Petitioner undertakes to submit copy of this order by 20.04.2026, failing which order relating to stay of operation of the impugned order at Annexure-5 shall not be given effect to.

9. It is needless to say that this Court has not expressed any view regarding the merits of the claim which has to be adjudicated independently by the Collector.

10. Accordingly, the Writ petition stands disposed of.

11. UCC as per rules.

(V. Narasingh)
Judge

Santoshi

Signature Not Verified
Digitally Signed
Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Apr-2026 13:47:43