



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.2924 of 2026

(An application under Article 226 and 227 of the Constitution of India).

Gyana Ranjan Dash

....

Petitioner

-versus-

1. State of Odisha

....

Opposite Parties

- represented through the
Principal Secretary to
Government, Panchayati
Raj Department, Odisha
Secretariat, Bhubaneswar
2. Collector, Cuttack
3. District Panchayat
Officer, Cuttack
4. Sub-Collector,
Athagarh, Cuttack
5. Block Development
officer, Athagarh, Cuttack
6. Tahasildar, Athagarh,
Cuttack
7. Badani Muduli
8. Tulasi Dehury
9. Kartikeswar Jena
10. Anita Mohanty
11. Susanta Behera
12. Asanti Naik
13. Kalpana Bhadra
14. Sarita Bhujabal
15. Laxman Munda
16. Gobinda Behera
17. Jingi Munda



18. Harekrushna Parida

19. Jitu Dehury

For Petitioner : Mr. S.K. Dalai, Advocate

For Opposite Parties : Mr. P.K. Ray, AGA
Mr. S.K. Baral, Advocate
(O.P. Nos.8, 10, 12, 14 to 19)
Mr. D.K. Mohapatra, Advocate
(O.P Nos.9 & 11)

**CORAM:
JUSTICE V. NARASINGH**

DATE OF HEARING : 07.07.2026

DATE OF JUDGEMENT : 14.07.2026

V. Narasingh, J. Heard Mr. Dalai, learned counsel for the Petitioner, Mr. Ray, learned Additional Government Advocate for the State, Mr. Baral, learned counsel for Opposite Party Nos.8, 10, 12 and 14 to 19, and Mr. Mohapatra, learned counsel for Opposite Party Nos.9 and 11.

1. The Petitioner, an elected Sarpanch of Kandarai Gram Panchayat, assails the notice dated 08.01.2026 issued by the Sub-Collector, Athagarh initiating the process of no-confidence motion against him, vide Annexure-1, inter alia, on the ground that the same



is in violation of Section 24(2)(c)¹ of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as the "Act, 1964"), by invoking the jurisdiction of this Court.

2. Mr. Dalai, learned counsel appearing for the Petitioner, submits that contrary to the mandatory stipulations contained in Section 24(2)(c)¹ of the Act, 1964, the resolution and the requisition were not annexed to the said notice and, despite the Petitioner raising an objection to the said effect at the earliest and seeking copies of the resolution and the requisition, the same fell on deaf ears. It is, therefore, submitted that the consequential meeting, the very initiation of which is based on such defective notice, is liable to be quashed.

3. Per contra, Mr. Ray, learned Additional Government Advocate for the State, Mr. Baral, learned counsel for Opposite Party Nos.8, 10, 12 and 14 to 19, and Mr. Mohapatra, learned counsel for

¹**24. Vote of no confidence against Sarpanch or Naib-Sarpanch –**

(1) xxx xxx xxx
(2) In convening a meeting under Sub-section (1) and in the conduct of business at such meeting the procedure shall be in accordance with such rules, as may be prescribed, subject however to the following provisions, namely:-
(a) & (b) xxx xxx xxx
(c) the Sub-Divisional Officer on receipt of such requisition shall fix the date, hour and place of such meeting and give notice of the same to all the members holding office on the date of such notice along with a copy of the requisition and of the proposed resolution, at least fifteen clear days before the date so fixed;



Opposite Party Nos.9 and 11 oppose such submission.

4. Counter affidavit has been filed by the State controverting the allegations made in the writ petition and, in response thereto, the Petitioner has filed rejoinder.

5. Learned counsel for the Petitioner, referring to the impugned notice at Annexure-1 dated 08.01.2026, submits that upon receipt of the said notice on 12.01.2026, the Petitioner had specifically endorsed in vernacular that he had not received the resolution and the requisition. It is further submitted that vide Annexure-2 dated 20.01.2026, the Petitioner ventilated his grievance before the Sub-Collector, Athagarh. Hence, it is contended that the statutory mandate under Section 24(2)(c)¹ of the Act, 1964 has been violated.

With regard to the mandatory requirement that the notice must be accompanied by the resolution and the requisition, reliance is placed upon the Larger Bench decision of this Court in **Nabanita Kapat Patra v. Collector**² more particularly the Paragraph 4.4 thereof, which reads as under;

² *Nabanita Kapat Patra v. Collector*, 2025 SCC OnLine Ori 4218



"xxx

xxx

xxx

4.4. As to whether Section 24(2)(c)¹ of the Act is mandatory:..... (iv) As already mentioned, Sub-Section (2)(c) is clear & emphatic in prescribing the procedure for issuance of notice of No Confidence Motion. The structure is: Firstly, Notice should be a minimum of seven (7) days. Secondly, it should contain date, time & place of meeting. Thirdly, it should be accompanied by a copy of requisition. Fourthly, it should also be accompanied by a copy of 'resolution proposed'. This provision employing the expression 'such notice along with a copy of the requisition and of the proposed resolution' has been continuing on the Statute Book since more than six decades.....

xxx

xxx

xxx"

6. Referring to the counter affidavit, Mr. P.K. Ray, learned Additional Government Advocate for the State, submits that it defies logic as to how the Petitioner could annex copy of the notice allegedly served without the requisition and the resolution to the writ petition with his endorsement regarding alleged non-service of such requisition and resolution when the same was handed over to the messenger.

7. It is his further submission that the said notice was also sent by Speed Post along with copies of the resolution and the requisition. However, so far as the Speed Post is concerned, the same was returned with the endorsement "addressee left without instruction".



It is further stated that thereafter copies of the notice along with the resolution and the requisition were forwarded to the Petitioner through WhatsApp, which were received by him on the very same day. As such, according to him, there is no violation of the mandatory provisions contained in Section 24(2)(c)¹ of the Act, 1964.

7-A. Learned counsel for the State further submits that the notice was also affixed on the wall of the house of the Petitioner.

8. On behalf of the requisitionists, Mr. Baral, learned counsel appearing for Opposite Party Nos.8, 10, 12 and 14 to 19, and Mr. Mohapatra, learned counsel for Opposite Party Nos.9 and 11, adopted the submissions advanced by the learned Additional Government Advocate. It is their further submission that all the requisitionists have received the notice along with the resolution and the requisition and that the stand taken by the Petitioner is an afterthought. Hence, the same ought not to be entertained by this Court.

9. Learned counsel for the Petitioner, referring to the recitals in the writ petition as well as the rejoinder affidavit, submits that the alleged service by affixture on the wall and through WhatsApp are not the modes of service prescribed under Section



24(2)(c)¹ of the Act, 1964. As such, the same cannot be treated as compliance with the statutory requirement under Sections 24(2)¹ and 24(2)(c)¹ of the Act, 1964.

10. On a plain reading of Section 24(2)(c)¹ of the Act, 1964 and in the light of the principle laid down by the Privy Council in the case of ***Taylor v. Taylor***³ namely that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that all other methods of performance are necessarily forbidden, which principle has also been referred to by this Court in ***Nabanita Kapat Patra(supra)***² and in the light of the judgment of the Hon'ble Supreme Court in ***Nazir Ahmad v. King-Emperor***⁴, **this Court finds substance in the submission of the learned counsel for the Petitioner that such modes of service of notice through WhatsApp and affixture cannot be said to in the manner of prescribed under the statute for such service and as such cannot be held to due mode of service as envisaged under Section 26(2)⁵ of the Act, 1964.**

³ *Taylor v. Taylor*, [1875] 1 Ch. D. 426, 431

⁴ *Nazir Ahmad v. King-Emperor*, 1936 SCC OnLine PC 41

⁵ **26. Procedure of giving effect to disqualifications** -(1) 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



Accordingly, it is held that the alleged service of the notice through WhatsApp and by affixture cannot be said to be in consonance with the procedure prescribed under Section 24(2)(c)¹ of the Act, 1964 and, therefore, cannot be relied upon by the Opposite Parties to sustain the issuance of notice.

11. So far as personal service is concerned, admittedly the Petitioner received the notice on **12.01.2026** fixing the meeting for the no-confidence motion on **30.01.2026**.

The Petitioner has not been able to explain as to how a photocopy of such notice came to be annexed to the writ petition when it is his specific case that after endorsing his objection regarding non-receipt of the resolution and the requisition, he had handed over the said copy to the messenger on 12.01.2026 itself.

It also does not stand to reason that an elected representative facing a no-confidence motion, who allegedly did not receive the resolution and the requisition along with the notice, admittedly received on 12.01.2026, would not immediately approach the authorities and would instead allow eight days to elapse before ventilating his grievance.

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.



Such conduct militates against common sense and the onus was solely on the Petitioner to justify the delay and Petitioner has not been able to discharge such burden.

It is also baffling that Petitioner has not placed on record any steps taken relating to the alleged overt acts committed by the authorities which finds place in the representation to the Sub-Collector on 20.01.2026 at Annexure-2.

12. In the aforesaid factual backdrop and having regard to the nature of the allegations, this Court is of the considered view that the stand taken by the Petitioner is an afterthought, intended only to prevent the meeting to decide the no-confidence motion against him from taking place.

13. On a careful analysis of the rival submissions and the materials available on record, this Court does not find any substance in the grounds urged in the writ petition so as to arrive at a conclusion that there has been any infraction of the provisions contained in Section 24(2)(c)¹ of the Act, 1964 warranting interference by this Court.

14. While issuing notice, this Court had directed that the meeting for the no-confidence motion relating to the office of the Petitioner, namely, the Sarpanch of



Kandarai Gram Panchayat, may take place, but the result thereof shall not be published.

The said interim order for non-publication of result of the motion of no confidence against the Petitioner stands vacated.

15. The Writ Petition being devoid of merit is dismissed. All the pending I.As. are accordingly disposed of. No costs.

(V. Narasingh)
Judge

*Orissa High Court, Cuttack,
Dated the 14th July, 2026/ Ayesha
Uploaded on 15th July, 2026*