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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.994 of 2026

Gyana Ranjan Dash

....

Appellant

Represented by Adv.
Mr. S.K. Dalai, Advocate

-Versus-

State of Odisha and others

....

Respondents

Represented by Adv.
Mr. Saswat Dash, AGA
Mr. S.K. Baral, Advocate
(for Respondent No.7)

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR. JUSTICE CHITTARANJAN DASH

Date of Hearing & Date of Judgment: 28.07.2026

Chittaranjan Dash, J.

1. This Intra-Court Appeal lay a challenge to the Single Judge's order dt.14.07.2026 passed in W.P.(C) 2924 of 2026 whereby prayer of the Appellant challenging the notice dt.08.01.2026 issued under Section 24(2) (c) of the Odisha Grama Panchayats Act, 1964 for convening a special meeting to consider a motion of no confidence against the Appellant was negated.
2. The main plank of the Appellant's Case as argued before us is that the notice convening the special meeting was not served upon him together with copies of the requisition and the proposed resolution, as mandatorily required under Section 24(2)(c) of the Act.
3. Mr. Dalai, learned counsel appearing for the Appellant, submitted that the initiation of the no-confidence proceeding is



vitiated by non-compliance with the mandatory requirement contained in Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964. It was contended that though the notice convening the special meeting was served upon the Appellant, copies of the requisition and the proposed resolution were never supplied along with the notice, despite a contemporaneous endorsement to that effect made by the Appellant at the time of its receipt and the subsequent representation submitted before the prescribed authority. It was further argued that the statute mandates simultaneous service of the notice together with the requisition and the proposed resolution, and any deviation therefrom strikes at the very root of the proceedings. Learned counsel, therefore, submitted that the learned Single Judge erred in dismissing the writ petition by treating the Appellant's plea as an afterthought, notwithstanding the failure of the Respondents to establish due compliance with the statutory mandate.

4. Per contra, learned Additional Government Advocate appearing for the State, submitted that the requirements of Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964 had been duly complied with. It was contended that copies of the requisition and the proposed resolution were forwarded to the Appellant along with the notice through Speed Post, which was returned with the postal endorsement that the addressee had left without instruction. It was further submitted that the said documents were also forwarded to the Appellant through WhatsApp and, in addition, were affixed at his residential premises, thereby making every reasonable effort to effect service. According to the Respondents, the Appellant deliberately avoided receipt of the documents and subsequently raised the plea of non-supply only as an



afterthought to stall the democratic process. It was, therefore, contended that the learned Single Judge rightly declined to interfere and that the impugned judgment warrants no interference.

5. In order to appreciate the rival submissions advanced on behalf of the parties, it is apposite to first advert to the statutory scheme governing initiation of a motion of no confidence against an elected Sarpanch under Section 24 of the Odisha Grama Panchayats Act, 1964. The controversy in the present appeal centres around the interpretation and compliance with sub-section (2)(c) thereof, which reads as follows:

Section 24(2) in The Orissa Grama Panchayats Act, 1964

“(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) ...

(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”

6. A plain reading of the aforesaid provision makes it abundantly clear that the statutory requirement is not satisfied by mere service of a notice convening the special meeting. The notice must necessarily be accompanied by copies of the requisition and the proposed resolution. The legislative intent is to ensure that the elected office bearer is informed not merely of the meeting, but also of the foundation and subject matter of the proposed motion. To hold



otherwise would render a substantial part of Section 24(2)(c) redundant.

7. At this juncture, it would be apposite to notice that the learned Single Judge has already returned a categorical finding in favour of the Appellant on one significant aspect of the matter. Upon an elaborate consideration of the statutory scheme and the decisions in *Taylor vs. Taylor*, reported in [1875] 1 Ch. D. 426, 431; *Nazir Ahmad vs. King Emperor*, reported in 1936 SCC OnLine PC 41 and the Larger Bench decision of this Court in *Nabanita Kapat Patra vs. Collector*, reported in 2025 SCC OnLine Ori 4218, the learned Single Judge held that service of the requisition and the proposed resolution through WhatsApp or by affixture is not a mode of service recognised under Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964. We find ourselves in agreement with the said conclusion, as once the statute prescribes a particular mode of service, compliance must necessarily be in the manner so prescribed and not otherwise.

8. The divergence, however, arises from the ultimate conclusion drawn by the learned Single Judge. Having discarded the plea of valid service through WhatsApp and affixture, the learned Single Judge nevertheless proceeded to dismiss the writ petition by holding that the Appellant's plea regarding non-supply of the requisition and the proposed resolution was an afterthought. Respectfully we are unable to persuade ourselves to concur with the said approach. This is because once the alternative modes of service are held to be dehors the statute, the enquiry necessarily shifts to whether the Respondents have affirmatively established that the notice admittedly served upon the Appellant was accompanied by copies of the requisition and the



proposed resolution in strict compliance with Section 24(2)(c) of the Act.

9. Hence, the issue in the present appeal stands considerably narrowed. The question is no longer whether the Respondents attempted to furnish the documents through alternative modes. The only question which survives for consideration is whether the notice admittedly served upon the Appellant was accompanied by copies of the requisition and the proposed resolution as mandated under Section 24(2)(c) of the Act.

10. In the present case, the Appellant has consistently maintained that although the notice dated 08.01.2026 was served upon him, the requisition and the proposed resolution were not furnished along with it. It is also not in dispute that the Appellant subsequently addressed a representation reiterating the said grievance. The Respondents, on the other hand, seek to justify compliance principally on the basis that the documents were dispatched through Speed Post and, upon return of the postal article, were forwarded through WhatsApp and affixed at the Appellant's residence.

11. In our considered view, where the validity of a statutory proceeding is challenged on the ground of non-compliance with a mandatory procedural requirement, the burden squarely rests upon the prescribed authority to establish due compliance with the statute. The authority invoking the statutory process cannot rely upon presumptions or inferred compliance, particularly where the consequence is the removal of an elected representative. In the present case, the notice dated 08.01.2026 itself bears a contemporaneous endorsement made by the Appellant while acknowledging its receipt,



specifically recording that copies of the requisition and the proposed resolution had not been supplied to him. Such an endorsement, forming part of the very transaction of service, assumes considerable evidentiary value and substantially belies the Respondents' contention that the statutory documents had accompanied the notice. Had the requisition and the proposed resolution in fact been served together with the notice, there was no plausible occasion for the Appellant to record such an objection at the very moment of its receipt.

12. The aforesaid conclusion is also in consonance with the Larger Bench decision of this Court in *Nabanita Kapat Patra* (supra), which reiterates that the statutory safeguards embodied in Section 24(2)(c) are not empty formalities but integral to the validity of the proceedings. The observations of the Hon'ble Supreme Court in *K. Narasimhiah vs. H.C. Singri Gowda*, reported in AIR 1966 SC 330, that the statutory obligation of “giving” notice is not discharged by its mere dispatch, further reinforce the position that mere dispatch of the requisition and the proposed resolution through Speed Post, without establishing due service thereof, cannot amount to compliance with Section 24(2)(c) of the Act.

13. In view of the foregoing discussion, we are of the considered opinion that the Respondents have failed to establish due compliance with the mandatory requirement contained in Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964. The material brought on record falls short of demonstrating that the notice dated 08.01.2026 was served upon the Appellant together with copies of the requisition and the proposed resolution, as statutorily mandated. The very initiation of



the proceeding, therefore, stands vitiated for non-compliance with the prescribed procedure.

14. Consequently, the judgment and order dated 14.07.2026 passed by the learned Single Judge in W.P.(C) No.2924 of 2026 is hereby set at naught. As a necessary corollary, the notice dated 08.01.2026 issued under Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964 and all consequential proceedings taken pursuant thereto are set aside.

15. It is, however, made clear that this order shall not preclude the prescribed authority from initiating a fresh proceeding for consideration of motion of no confidence against the Appellant, if otherwise permissible in law. In such event, a fresh notice shall be issued strictly in accordance with Section 24(2)(c) of the Odisha Grama Panchayats Act, 1964, duly accompanied by copies of the requisition and the proposed resolution, and the entire procedure shall, thereafter, be carried out in accordance with law.

16. The writ appeal is, accordingly, allowed, with the above observations.

I Agree.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge