

A.F.R.



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.34984 of 2025

In the matter of an application under Article 226 & 227 of
the Constitution of India.

Minatirani Madhei

....

Petitioner

-versus-

1. State of Odisha
represented through its
Secretary, Panchayati Raj
and Drinking Water
Department, Govt. of
Odisha, Loka Seba
Bhawan, Sachivalaya
Marg, Bhubaneswar,
Dist.-Khurda
2. *Collector-cum-District
Magistrate, Mayurbhanj*
3. *Sub-Collector-cum-SDM,
Kaptipada, Udala*
4. *District Panchayat Officer,
Mayurbhanj*
5. *The Block Development
Officer, Kaptipada,
Mayurbhanj*
6. *Somanath Singh*
7. *Sukanti Murmu*

....

Opposite Parties

For Petitioner

: Mr. S.K. Mishra, Sr. Advocate

For Opposite Parties

: Mr. P.K. Ray, AGA
Mr. L. Samantaray, Sr. Adv.
(for O.P. Nos.6 &7)



**CORAM:
JUSTICE V. NARASINGH**

DATE OF FINAL HEARING : 07.05.2026

DATE OF JUDGMENT : 13.05.2026

V. Narasingh, J. Heard learned Senior Counsel for the Petitioner, learned counsel for the State and learned Senior Counsel for the Opposite Party Nos.6 and 7.

1. The present writ petition has been filed assailing Notice No.5577 dated 24.11.2025 issued by the Sub-Collector-cum-SDM, Kaptipada, Udala (Opposite Party No.3), fixing the meeting of 'No Confidence Motion' against the Petitioner-Sarpanch of Jadida Grama Panchayat on 11.12.2025 at 11 A.M. at Jadida Grama Panchayat Office.

2. It is alleged that such motion is against the mandate of Section 24¹ of the Orissa Grama

¹ **24. Vote of No Confidence against Sarpanch or Naib-Sarpanch-(1)**

Where, at a meeting of the Grama Panchayat specially convened by the Sub-Divisional Officer in that behalf, a resolution is passed, supported by a majority of not less than two-thirds of the total membership of the Grama Panchayat, regarding want of confidence in the Sarpanch or Naib-Sarpanch, the resolution shall forthwith be forwarded by the Sub-Divisional Officer to the Collector, who shall immediately, on receipt of the resolution, publish the same on his notice board; and with effect from the date of such publication, the member holding the office of Sarpanch or Naib-Sarpanch, as the case may be, shall be deemed to have vacated such office.

(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) no such meeting shall be convened except on a requisition signed by at least one-third of the total membership of the Grama Panchayat along with a copy of the resolution proposed to be moved at the meeting;
- (b) the requisition shall be addressed to the Sub-Divisional Officer;
- (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;
- (d) the aforesaid notice shall be sent by post under certificate of posting and a copy thereof shall be published at least seven days prior to the date fixed for the meeting on the notice board of the Samiti;
- (e) the proceedings of the meeting shall not be invalidated merely on the ground that the notice has not been received by any member;
- (f) the Sub-Divisional Officer, or if he is unable to attend, any Gazetted Officer specially authorised by him in that behalf, shall preside over, conduct and regulate the proceedings of the meeting;
- (g) the voting at all such meetings shall be by secret ballot;
- (h) no such meeting shall stand adjourned to a subsequent date and no item of business other than the resolution for recording want of confidence in the Sarpanch or Naib-Sarpanch, as the case may be, shall be taken up for consideration at the meeting;
- (i) if the number of members present at the meeting is less than two-thirds of the total membership of the Grama Panchayat, the resolution shall stand annulled;
- (j) if the resolution is passed at the meeting, supported by the majority as specified in Sub-section (1), the Presiding Officer shall immediately forward the same in original, along with the record of the proceedings, to the Collector, who shall forthwith publish the resolution in accordance with the provisions of Sub-section (1); and
- (k) where any Gazetted Officer presides at the meeting, he shall, without prejudice to the provisions of clause (j), also send a copy of the resolution to the Sub-Divisional Officer for information and such action as may be necessary.
- (3) When a meeting has been held in pursuance of Sub-section (2) for recording want of confidence in the Sarpanch or Naib-Sarpanch, as the case may be, no fresh requisition for a meeting shall be maintainable—
- (a) in cases falling under clauses (i) and (j) of the said sub-section, or where the resolution is defeated after being considered at the meeting so held, before the expiry of one year from the date of such meeting; or
- (b) where the notification calling for general election to the Grama Panchayat has already been published under or in pursuance of Section 12.
- (4) Without prejudice to the provisions of Sub-section (3), no requisition under Sub-section (2) shall be maintainable in the case of a Sarpanch or Naib-Sarpanch, as the case may be, before the expiry of two years from the date on which such Sarpanch or Naib-Sarpanch enters office:
- Provided that all requisitions received under Sub-section (2) prior to the date of commencement of the Orissa Grama Panchayats (Second Amendment) Act, 1993, in which no meeting for recording want of confidence has been held by the said date, shall stand abated.



Panchayats Act, 1964, which deals with 'Vote of no confidence against Sarpanch or Naib-Sarpanch'.

3. It is the submission of the learned Senior Counsel for the Petitioner, Mr. Mishra, that the Petitioner was discharging her duty as Sarpanch, having been elected as such in the year 2022. The impugned notice for convening the meeting to consider the 'No Confidence Motion' against her was issued in purported exercise of power under Section 24(2)(c)¹ of the Orissa Grama Panchayats Act, 1964.

Referring to the recitals in the writ petition, it is contended that the challenge is primarily on the ground that the resolution that has been enclosed with the notice of no confidence cannot be construed as a proposed resolution in terms of Section 24(2)(c)¹ of the Orissa Grama Panchayats Act, 1964, rather, the said resolution is in the nature of a resolution to send a requisition to the Sub-Collector for bringing the 'No Confidence Motion'.

3-A. As such, the draft "proposed resolution" has not been enclosed with the notice of 'No Confidence Motion', whereby the provisions of Section 24(2)(c)¹ of the Orissa Grama Panchayats Act, 1964 have



been violated ex facie, therefore, the notice for convening the meeting has to be quashed.

To substantiate his submissions, learned counsel for the Petitioner places reliance on the Full Bench judgment of this Court in the case of ***Nabanita Kapat Patra v. Collector, Kandhamal***², whereby this Court has stated the procedure for issuance of notice of 'No Confidence Motion'.

4. Such submission is opposed by the learned counsel for the State-Opposite Party Nos.3 and 5 by filing counter affidavit.

5. Two ward members, who are the requisitionists, sought to implead themselves in the present lis and, by order dated 18.12.2025 in I.A. No.22034 of 2025, they were allowed to be arrayed as Opposite Party Nos.6 and 7, and a consolidated cause title has been submitted to the said effect.

6. No rejoinder affidavit has been submitted in response to the **counter affidavit** filed by Opposite Party Nos.3 and 5.

7. To fortify his submission, learned Senior Counsel for the Petitioner, Mr. Mishra states that, apart from the judgment in the writ appeal referred to hereinabove, he also relies upon the judgment of

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



this Court in the case of ***Smt. Kamala Tiria v. State of Orissa***³.

8. The rival contentions as aforesaid hinges on the interpretation of the impugned notice at Annexure-1.

For convenience of reference the said Annexure is culled out hereunder;

**"OFFICE OF THE SUB-COLLECTOR, KAPTIPADA, UDALA
NOTICE**

No. 5547

Date: 24.XI.25

It is hereby notified for information of all the members (Ward members & Sarpanch) of Jadida GP under Kaptipada Block that as per requisition & resolution copies (enclosed) signed by the Ward members, one meeting on "No Confidence Motion against Smt. Minati Rani Madhei, the Sarpanch of Jadida GP" will be convened on Date 11.12.25 at 11.00 AM at Jadida G.P. Office as per Sub-section 2(c) of Section 24 of the Odisha Gram Panchayats Act, 1964.

In convening a meeting under Sub-Section (1) & 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.

- i. Where in the meeting, the resolution is passed, supported by a majority of not less than two-thirds of the total membership of the Gram Panchayat regarding want of confidence of Sarpanch;
- ii. The proceeding of the meeting shall not be invalidated merely on the ground that notice has not been received by any member;
- iii. The Sub-Collector & SDM or if he is unable to attend, any Gazetted officer specially authorized by him in that behalf shall preside over, conduct & regulate the proceeding of the meeting;

³ *Kamala Tiria v. State of Orissa*, AIR 2001 ORI 67



- iv. The voting of all such meeting shall be by secret ballot;
- v. No such meeting shall stand adjourned to a subsequent date & no items of business other than the resolution for recording want of confidence in the Naib-Sarpanch, as the case may be, shall be taken up for consideration at the meeting;
- vi. If the number of members present at the meeting is less than two-thirds of the total membership of the Gram Panchayat, the resolution shall stand annulled.

Sd/-
Sub-Collector & SDM,
Kaptipada, Udala

Memo No: 5578 Date: 24.XI.25

Copy forwarded to the B.D.O., Kaptipada for information. He is requested to serve the aforesaid notice to the Sarpanch & all ward members of Jadida G.P. and return the served copy of notice before the meeting. He is also requested to publish a copy of the said notice at least 7 days prior to the date of meeting in the notice board of the Panchayat Samiti & G.P. Office. Further, the GPDO, Kaptipada and the PEO, Jadida G.P. are directed to remain present in the same meeting without fail.

Sd/-
Sub-Collector &
SDM,
Kaptipada, Udala

Memo No: 5579 Date: 24.XI.25

Copy forwarded to the District Panchayat Officer, Mayurbhanj for information & necessary action.

Sd/-
Sub-Collector &
SDM,
Kaptipada, Udala

Memo No: 5580 Date: 24.XI.25

Copy submitted to the Collector & District Magistrate, Mayurbhanj for favour of kind information.

Sd/-
Sub-Collector &
SDM,
Kaptipada, Udala



9. On a bare perusal of the same, it can be seen that it is mentioned therein that copies of the requisition as well as the resolution are enclosed with the said notice signed by the ward members.

A specific stand has been taken by the State-Opposite Party Nos.3 and 5 in paragraph-7 of the counter affidavit regarding the requisition and proposed resolution having been signed by ten (10) ward members, which is more than 1/3rd of the total sixteen (16) members.

In the said paragraph, it is also stated that the impugned notice, which is also annexed as Annexure-B/5 to the counter affidavit, was received by the Petitioner on 26.11.2025.

For convenience of reference, the said paragraph-7 is extracted hereunder;

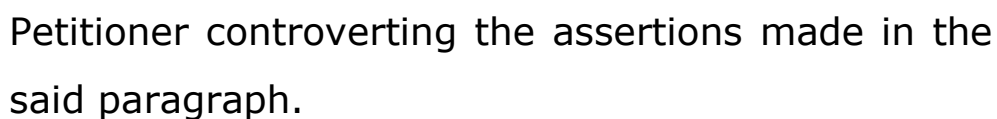
"7. That in response to averments made in Para-6 of the writ petition, the deponent humbly submits that the requisition and proposed resolution was signed by 10 (ten) nos. of Ward Members of Jadida, which is more than one third of the total 16 (Sixteen) no of membership of the Jadida GP including 15 (Fifteen) Ward Members and 1 (One) Sarpanch actually holding office on 28.10.2025 Further, the requisition signed by the 10(ten) nos of Ward Member of Jadida GP was duly addressed to the Sub-Collector, Kaptipda, Udala as per the provision mentioned under Section 24(2)(b) of the Orissa Grama Panchayats Act, 1964.



The Sub-Collector, Kaptipda, Udala upon verification of the signatures of the 10(ten) nos of Ward Member of Jadida GP fixed the meeting for the No Confidence Motion against Smt. Minatirani Madhei, Sarpanch, Jadida GP on 11.12.2025 at 11.00 AM at Jadida GP office and accordingly issued notice along with the requisition and resolution to all members who were then holding office of Jadida GP vide letter no.5577 dated 24.11.2025. The deponent respectfully submits that the impugned notice is within the statutory confines of Sec 24(2)(c) of the Act as there was 15(Fifteen) clear days between the issuance of notice on 24.11.2025 and the scheduled meeting on 11.12.2025.

Further, the impugned notice had been duly served on the Petitioner as well as all the ward members of the Jadida GP by the Panchayat Executive Officer (PEO), Jadida G.P and the same was also published on the notice board of Jadida GP as well as on the notice board of Kaptipada Panchayat Samiti on 24.11.2025 as per the provision mentioned under Section 24 (2) (d) of the Orissa Grama Panchayats Act, 1964. It is pertinent to note that the impugned notice was also received by the petitioner on 26.11.2025, which is evident from the fact that the petitioner has put her signature on the receiving letter dtd.24.11.2025. Copy of the letter No.5577 dtd.24.11.2025 is annexed herewith and marked as Annexure-B/5."

10. At the cost of repetition, it is apposite to state here that no rejoinder has been filed by the



11-A. The decision relied on by the learned counsel for the Petitioner in ***Smt. Kamala Tiria (supra)***³ is clearly distinguishable on facts. The said case related to the consideration of the legality of the No Confidence Motion moved against the president of Mayurbhanj Zilla Parishad. It is apt to note that the provisions of the Orissa Zilla Parishad Act, 1991⁴ is *pari materia* with the provisions dealing with the Orissa Grama Panchayats Act, 1964 relating to the No Confidence Motion.

For convenience of reference, the relevant extract of the finding of the Court in the said case is extracted hereunder;

"xxx xxx xxx
6.....Now coming to Annexure-3 it is the
submission of the learned counsel appearing

⁴ The Orissa Zilla Parishad Act, 1991 (Orissa Act 17 of 1991)



for the contesting parties that it is a consolidated document comprising the requisition to the Revenue Divisional Commissioner requesting him to convene a special meeting as well as the resolution proposed to be moved in the said special meeting. Learned counsel had taken that stand because admittedly no other document evidencing a proposed resolution to be moved in the specially convened meeting was enclosed to the so-called requisition. We have carefully perused Annexure-3 extracted above. On its reading it appears that a meeting was held on 5-11-1999 in which there was discussion that the petitioner should no more continue as the President of Zilla Parishad because of her arbitrary actions, etc. and accordingly it was decided in the meeting to move the Revenue Divisional Commissioner for convening a special meeting as required under Section 39(1) of the Act. There is nothing in Annexure-3 to assume that it also contained the proposed resolution to be moved in the meeting to be specially convened by the Revenue Divisional Commissioner. This being the factual position, there is no compliance of sub-Clause (a) of sub-Section (2) of Section 39 of the Act. In the facts and circumstances, it is not possible to hold that there was substantial compliance of the provision.....

xxx

xxx

xxx"

(Emphasized)

12. To put the matter in perspective, Resolution No.11, which is the bone of contention qua its conformity with the resolution as mentioned in



Section 24(2)(c)¹ of the Orissa Grama Panchayats Act, 1964, is extracted hereunder for convenience of reference and interpretation;

“ଅବ୍ୟ ତା- 19/10/2025 ରିଖ ନିମ୍ନ ପ୍ରସଙ୍ଗ ମୋଡେ ଶ୍ରୀମତୀ ବନଲୋତା ରଣାଙ୍କ ସଭା ପତିତ୍ୟରେ ଏକ ବୈଠକ ଅନୁଷ୍ଠିତ ହୋଇଅଛି । ପ୍ରସଙ୍ଗରେ ଦର୍ଶା ଯାଇଥିବା ବିଷୟବସ୍ତୁମାନ ଆଲୋଚନା କରାଯାଇ ପ୍ରସ୍ତାବ ମାନ ଗୃହୀତ କରାଗଲା ।

xxx xxx xxx
ପ୍ରସଙ୍ଗ -୧୧- ଉପରୋକ୍ତ ୧୦ ଗୋଟି ପ୍ରସଙ୍ଗ କୁ ଆଲୋଚନା ପର୍ଯ୍ୟାଲୋଚନା କରାଯାଇ ସରପଞ୍ଚ ଙ୍କର ଉଦ୍ଦେଶ୍ୟ ଜଣାପଡ଼ିଥିଲା ନିର୍ବାଚିତ ଝାଡ଼ ସଭ୍ୟା/ ସଭ୍ୟ ମାନଙ୍କୁ ଡକ୍କୁଆ ଜଣାଇ ନିଜର ସ୍ୱାର୍ଥ ସାଧନ କରୁଥିବ ଏଣୁ ସମସ୍ତ ଝାଡ଼ ସଭ୍ୟ/ ସଭ୍ୟା ତା ପ୍ରତି ଅ -ସନ୍ତୋଷ ପ୍ରକାଶ କରି ସରପଞ୍ଚ କୁ ବହିଷ୍କାର / ଅଯୋଗ୍ୟ ଘୋଷଣା କରିବା ପାଇଁ ଉପ-ଜିଲ୍ଲାପାଳ କୁ ଦାବି କରାଗଲା ଏହାକୁ ସର୍ବ ସମ୍ମତି କ୍ରମେ ପ୍ରସ୍ତାବ ଗୃହୀତ କରାଗଲା ଏବଂ ତୁରନ୍ତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରିବା ପାଇଁ ଆଜିକାର ବୈଠକ ରେ ନିଷ୍ପତ୍ତି ନିଆଗଲା ।

xxx xxx xxx”

13. It is apt to note that the said resolution under Agenda Item No.11 was stated in the light of the irregularities which have been outlined in Agenda Items Nos.1 to 10. Hence, Agenda Item No.11 has to be construed in the light of the preceding Agendas along with the opening paragraph of the said resolution.



particular form/format has been prescribed for a proposed resolution. The intention of the requisitionists has to be gathered on a reading of the resolution.

15. The purport of the proposed resolution is to ensure "that the elected Sarpanch and ward members are fully informed of the specific grounds for the no confidence motion."

In this context, it is apt to refer to the Judgment of this Court in the case of ***Prahallad Dalei vs. State of Odisha***⁵ relied on by the learned Senior Counsel for the Opposite Party Nos.6 and 7.

Paragraph-10 thereof relevant for the purpose of the adjudication of the present lis is extracted hereunder;

"10. From the discussions supra, it is clear that-
"(i) no form or proforma has been prescribed either for the Notice to be issued by the Sub-Collector calling upon the members including the Sarpanch or Naib-Sarpanch to attend the meeting of No Confidence, or for the requisition to be sent by 1/3rd members of the Grama Panchayat or for the proposed resolution to be moved.

(ii) If the intention of the requisite number of members is clear from the resolution adopted in the meeting held to prepare the requisition and

⁵ *Prahallad Dalei v. State of Odisha*, 2015 SCC OnLine Ori 395



the proposed resolution, then the said intention is to be accepted as indicatives of the fact that requisite number of members want to move a No Confidence Motion and that resolution adopted in such meeting is to be abstractly accepted as the proposed resolution.

(iii) The so called proposed resolution to be moved need not be on a separate sheet or document."

16. On a close reading of the resolution at Agenda No.11, which was enclosed to the requisition, and assessing the same on the touchstone of the law laid down by the Larger Bench of this Court in the cases of ***Nabanita Kapat Patra² and Prahallad Dalei⁵ (supra)***, this Court is persuaded to arrive at the inescapable conclusion that Agenda No.11 satisfies the requirements of "resolution" as stated in Section 24(2)(a)¹ and 24(a)(c)¹ of the Orissa Grama Panchayats Act, 1964.

17. Considering the rival stands in the light of the law as laid down, this Court does not find any merit in the writ petition.

18. Accordingly, the Writ Petition stands rejected.



19. Interim order stands vacated. Cost made easy.

**(V. Narasingh)
Judge**

*Orissa High Court, Cuttack,
Dated the 13th May, 2026/ Santoshi*

Signature Not Verified

Digitally Signed
Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-May-2026 20:44:21

