

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41923 of 2023

And

I.A. No. 20180 of 2023

Akshaya Kumar Mohanty

.....

Petitioner

Mr. S.K. Dash, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

*Mr. A.K. Parija, Advocate General
along with Mr. D.K. Mohanty, AGA*

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

21.12.2023

Order No.

01.

This matter is taken up by hybrid mode.

2. Heard Mr. S.K. Dash, learned counsel appearing for the petitioner and Mr. A.K. Parija, learned Advocate General appearing along with Mr. D.K. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition in the nature of public interest litigation seeking direction to opposite party no.1 to constitute a high level committee under the Chairmanship of an incumbent/retired Judge of this Court in order to examine the demands for creation of new districts in Odisha and further seeks direction to the opposite parties to take decision on formation of new districts pursuant to the report of the committee so constituted. The petitioner further seeks direction to the opposite parties to declare Rairangpur as a new district taking Bamanghati (commonly known as Rairangpur) and Panchapid (commonly known as Karanjia) sub-divisions under its fold.

4. Mr. S.K. Dash, learned counsel appearing for the petitioner vehemently contended that for re-organization of districts,

Districts Re-organization Committee headed by Hon'ble Justice Raj Kishore Das submitted a report on 29.09.1975 to the State Government titled as "Report of the Districts Re-organization Committee, Orissa, 1975", which provided certain guidelines to be followed for creation of new districts, such as, (i) 15-20 lakhs population; (ii) minimum of 15000 sq.km in area relaxable in certain circumstances; and (iii) economic condition and backwardness of the area. But, after long lapse of more than 15 years, pursuant to the recommendation made, a Cabinet Sub-Committee, which was constituted vide resolution dated 28.05.1991, the State Government, vide notifications dated 01.10.1992, 27.03.1993 and 22.12.1993, constituted 4, 10 and 3 new districts in the State of Odisha respectively. Thereby, the number of districts, which was originally 13, was turned to 30, by virtue of the recommendation made by the Cabinet Sub-Committee. It is further contended that Rairangpur has always been neglected, though it has subsisting claim from 1948. Therefore, the petitioner, who is the President of Rairangpur Bar Association and also the President of District Kriyanusthan Committee, has urged before this Court that while making re-organization of the districts, Rairangpur should have been declared as one by carving out from the existing Mayurbhanj district. In any case, it is contended that what is the criteria for creation of new district, the same have not been laid down by the Government and, as such, at the caprice and whims of the Government, districts have been created, without taking into consideration the criteria fixed by the Hon'ble Raj Kishore Das Committee and also subsequent Cabinet Sub-Committee. As such, nothing has been pointed out with regard to formation of new district to be undertaken by the State at the present days.

5. Mr. A.K. Parija, learned Advocate General appearing along with Mr. D.K. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties seeks time to obtain instructions in the matter by the next date.

6. List this matter two weeks after the Winter Holidays.

7. On the basis of the pleadings available on record, it appears that the State is going to make further districts without having any guidelines or principles and at the caprice and whims of the Government, new districts have been created. As such, with regard to power of formation of new district, save and except the report of the Justice Raj Kishore Das Committee in the year 1975 and the Cabinet Sub-Committee of 1991, nothing is made available or placed on record as to how to re-organize the districts in the recent days. Therefore, as the learned Advocate General prayed for and is granted time to obtain instructions in the matter, this Court feels it necessary that the process of re-organization of district, which the State Government wants to undertake may continue, but no final order shall be passed without leave of this Court.

(DR. B.R. SARANGI)
ACTING CHIEF JUSTICE

(M.S. RAMAN)
JUDGE