



IN THE HIGH COURT OF ORISSA AT CUTTACK

ELPET No. 5 of 2024

Brajamohan Pradhan

. **Petitioner**
.. Represented by
Mr. U.K.Samal, (Advocate)

- Versus -

Aswini Kumar Patra

. **Respondent**
.. Represented by
Mr. B.Mishra, (Senior
Counsel)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
26.03.2025

Order No.
01.

1. This matter is taken up through hybrid mode.
2. Both parties have filed draft issues for consideration of this Court.
3. Heard learned counsel for the parties.
4. Perused the Election Petition and the written statement filed by the respondent.
5. Considering the specific pleadings and the points on which the parties have issued, the following issues are settled:
 - (I) Whether the Election Petition is maintainable?
 - (II) Whether the appointment of sitting chairman of Jaleswar Municipality as Election Agent and counting agent of the respondent is barred under Section-40 and 41 of the Representation of the



People Act, 1951?

(III) Whether appointment of Manas Jena Chairman of Jaleswar block as Election agent is permissible or violates the Hand book supplied to candidate and therefore otherwise vitiates the election of the respondent?

(IV) To what other relief (s) the election petitioner is entitled to?

(V) Whether Manas Jena was appointed as the Election Agent of the sole respondent in his personal capacity or in the capacity and/or position of the Chairman of Jaleswar Panchayat Samiti?

(VI) Whether at the relevant point of time such appointment of Manas Jena as the Election Agent of the sole respondent was within the knowledge of the Election Petitioner and whether despite such specific knowledge either the Election Petitioner himself or any of his proposer/authorized agent has/have not raised any objection to that effect before the Returning Officer/Election Commission of India during the entire process of election?

(VII) Whether on account of appointment of Manas Jena as the Election Agent of sole respondent, the result of the election insofar as it concerned the returned candidate (sole Respondent), has been materially affected and whether the election of the sole respondent is liable to be declared as void?



6. List this matter on 17.04.2025 for filing of documents and list of witnesses.

(Sashikanta Mishra)
Judge

Deepak