

IN THE HIGH COURT OF ORISSA, CUTTACK
(ORIGINAL JURISDICTION CASE)

WP (C) PIL. No. 16659 /2019

Code No.....219900

In the matter of : An application under Article 226 of the
Constitution of India.

AND

In the matter of : An application seeking intervention of this
Hon'ble Court for Odisha State Amendment of
Child Marriage Prohibition Act, 2006 to make
all marriages below marriageable age void.

AND

In the matter of : Dr. Bikash Das, President, CLAP (Committee for Legal
Aid to Poor), aged about 49 years, S/o Late Shyama
Sundar Das, Plot No. E-367, Sector-6, Markat Nagar,
Ps- Bidanasi, Cuttack.

-----Petitioner.

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Printed in Court



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1. State of Odisha represented through its Chief Secretary, At- Lok Seva Bhawan Building, Po- Bhubaneswar, Dist- Khurda.
2. State of Odisha represented through its Principal Secretary, Dept. of Law, At- Lok Seva Bhawan Building, Po- Bhubaneswar, Dist- Khurda.
3. Commissioner-Cum-Secretary, Department of Women and Child Development, At- Lok Seva Bhawan Building, Po- Bhubaneswar, Dist- Khurda.

-----Opposite Parties.

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
02.	16.11.2019	<p>Heard learned counsel for the petitioner.</p> <p>By way of this writ petition, in the nature of Public Interest Litigation, petitioner has prayed for issuance of a direction to the opposite parties-authorities to bring a State Amendment to the Prohibition of Child Marriage Act, 2006.</p> <p>In our opinion this writ petition is not maintainable, because in exercise of power under Articles 226 & 227, the High Court cannot direct the Government to legislate a law in a particular manner.</p> <p>However, learned counsel for the petitioner states that in this regard the petitioner has made a representation to the Government of Odisha under Annexure-4 series.</p> <p>In view of the aforesaid submission, we think it proper to direct the O.P. No.3 to consider and dispose of the said representation, if it is still pending consideration, within a period of four months from the date of receipt of a copy of this order along with a copy of this writ petition.</p> <p>The writ petition is accordingly disposed of.</p>	<p>Spl- K.S. Thaveri, C.J.</p> <p>Spl- K.R. Mohapatra, J.</p>



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