

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 4639 OF 2022

Rabindra Kumar Samal and another* *Petitioners

Mr. Niranjana Panda, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.04.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek for a direction to the Opposite Parties to enquire into the irregularities in Badachana Primary Agricultural Co-operative Society Ltd. alleging registration of fake farmers through Online registration for procurement of Paddy depriving the genuine farmers to avail such benefits.
3. It is submitted by Mr. Panda, learned counsel for the Petitioners that Badachana Primary Agricultural Co-operative Society Ltd. manipulating the records has registered some farmers, who are not members of the Society, to avail the benefit of procurement of Paddy. In that regard, the Petitioners made complaint before the Assistant Registrar, Cooperative Societies, Jajpur Circle, Jajpur, who by entertaining the same vide Notice No.2057 dated 16th October, 2021 (Annexure-2) requested all concerned to attend the enquiry on the schedule date, i.e. on 8th November, 2021 at 11.30 A.M. However, the enquiry was not conducted on the said date and the matter is still pending before

the Assistant Registrar, Co-operative Societies, Jajpur Circle, Jajpur for consideration. Hence, he prays for a direction to the Assistant Register, Co-operative Societies, Jajpur Circle, Jajpur to complete the enquiry pursuant to the notice under Annexure-2 and communicate the result thereof to the Petitioners.

4. A counter affidavit has been filed by the Assistant Register, Co-operative Societies, Jajpur Circle, Jajpur-Opposite Party No.4 stating that the Petitioner No.1 is a registered farmer. However, the Petitioner No.2 is not a registered farmer. The Petitioner No.1 had never sought for any relief from the authority and also did not sale his paddy during the agricultural year, 2020-21 as he had no surplus paddy to sell. However, pursuant to the allegation made by one Chintamani Jena and 10 others, the Deputy Registrar, Co-operative Societies conducted an enquiry with regard to the alleged irregularities of Badachana Primary Agricultural Society Ltd.. Upon enquiry, the Deputy Registrar, Co-operative Societies (Credit) in his Letter No.17323 dated 1st December, 2021 addressed to the Deputy Secretary to Government, Cooperation Department, Odisha, Bhubaneswar (Annexure-A/4 to the counter affidavit) recorded the following findings:

- I) *That Sri Chintamani Jena, the main Petitioner & four others refused to receive the notice & six other Petitioners attended the enquiry.*
- II) *That the Petitioners attended the enquiry submitted that they had never intended to raise any allegations against Sri Bikash Kumar Swain, DEO-cum-Incharge Secretary and they are not affected with any action of Sri Swain. However, they admitted that their Signature and thumb impression were collected on a plain paper citing other reason by some miscreants which has been utilized in the present position.*
- III) *Since, the charges contained in the allegation petition are not specific and there is also no supporting evidence, there was no scope to proceed further for the enquiry.*

Moreover, the Petitioners have expressed that allegations against Sri Swain are false, fabricated and concocted.

IV) The ARCS, Jajpur and Administrator of Badachana PACS should take steps for making alternative arrangement in the matter of functioning of Chief Executive in Badachana PACS aiming better development of the society and extending better service to its member.

5. In that view of the matter, Mr. Mishra, learned Additional Standing Counsel submits that since the allegation with regard to the irregularities made by Badachana Primary Agricultural Society Ltd. has already been enquired into and arrangements have already been made for smooth functioning of Badachana Primary Agricultural Society Ltd., further enquiry by Opposite Party No.4 will be otiose. Hence, he prays for dismissal of the writ petition.

6. Taking into consideration the rival contentions of the parties and on perusal of the record, this Court finds that the Petitioners have made certain allegation with regard to the irregularities in functioning of Badachana Primary Agricultural Society Ltd.. Although there are some discrepancies with regard to the membership of Petitioner No.2, but it is borne out from the record that entertaining a grievance petition of Shri Chintamani Jena and ten others, the Minister, Cooperation Department directed the Deputy Registrar, Cooperative Societies to make an enquiry. On a detailed enquiry, the Deputy Registrar, Cooperative Societies has come to the findings, as quoted supra. Arrangements have also been made for smooth functioning of Badachana Primary Agricultural Society Ltd..

7. In that view of the matter, no further enquiry by the Assistant Register, Cooperative Societies, Jajpur Circle, Jajpur- Opposite Party No. 4 is required.

8. Accordingly, this writ petition is disposed of with an observation that since the relief sought for by the Petitioners has already been worked out by the Deputy Registrar, Cooperative Societies, no further relief can be granted in this writ petition.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks

