

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22229 of 2012

***Akshaya @ Akhaya Kumar
Pattanaik***

.... Petitioner

Mr. A. Pattanaik, Advocate

-versus-

***Secretary, Khurda Co-
operative Agricultural and
Rural Development Bank
Ltd., Khurda, District-
Khurda & Another***

.... Opp. Parties

Mr. Baidhar Sahoo, Advocate
(for Opposite Party No.1)

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
12.09.2022**

Order No.

04 This matter is taken up through virtual/physical mode.

1. The petitioner being desirous of availing the loan for purchase of a Tractor, became a shareholder of the Khurda Co-operative Agricultural and Rural Development Bank Ltd., Khurda (CARD)/Opposite Party No.1 in the year 2003. Upon deposit of the margin money including the share capital of Rs.29,170/- before the CARD, a loan was sanctioned facilitating the purchase of the Tractor. It is claimed that the petitioner had liquidated the entire loan amount with interest and expenses since 15.03.2010, however Opposite Party No.1 was refusing to refund the share capital of Rs.29,170/-

with interest to the petitioner. Thus, by filing the present Writ Petition, a Mandamus has been sought for directing the Opposite Parties to refund the share capital along with interest.

2. Upon notice, a reply has been filed by the Opposite Party No.1 as also the Orissa State Co-operative Agricultural and Rural Development Bank, Bhubaneswar/Opposite Party No.2, the apex Co-operative Society, to which Opposite Party No.1, also a separate Co-operative Society, is a member. In the reply filed by both the parties, it is stated that the petitioner is not entitled to refund of the share capital along with interest.

3. At the time of hearing, learned counsel for the Opposite Parties states that Opposite Party No.1 is under liquidation since long and the claim, if any, by the petitioner has to be raised before the liquidator.

4. We otherwise are also of the opinion that no direction in the writ jurisdiction can be issued for refund of the share capital as claimed.

5. In view of the above, learned counsel for the petitioner prays for permission to withdraw the present Writ Petition in order to enable the petitioner to approach the liquidator, if so advised, provided the proceedings are still pending to avail his remedy available.

6. The Writ Petition is dismissed as withdrawn with the aforesaid liberty.

**(Jaswant Singh)
Judge**

**(M.S. Raman)
Judge**

AKK

12th September, 2022
Cuttack

