

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15913 of 2022

Debendra Nath Rout and others* *Petitioners

Mr. R.K.Mahanta, Advocate
On behalf of Mr. Dolagobinda Mohapatra,
Advocate

-versus-

Commissioner-cum-Secretary, *Opp. Parties*
Cooperation Department and others

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
13.09.2022

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. 2. Petitioners in this writ petition prays for a direction to the Registrar, Cooperative Societies-Opposite Party No.2 to dispose of representation dated 18th April, 2022 (Annexure-1) filed by the Petitioner alleging misappropriation of funds of the Society by Mr. Surath Chandra Parida, the ex-Secretary of Kissan Credit Cooperative Society, Brahmankhanda, Kishanangar.
3. 3. Taking into consideration the submission made by learned counsel for the Petitioner, this Court, vide order dated 30th August, 2022 directed learned Standing Counsel to take instruction in the matter.
4. 4. Mr. Mishra, learned AGA produces before this Court a communication made by Deputy Registrar of Cooperative Societies, Cuttack Division-II, Cuttack-Opposite Party No.4

issued vide Letter No.4462 dated 5th September, 2022, relevant portion of which is reads thus:-

“Sir,

In inviting a kind reference to the letter on the subject cited above, it is humbly submitted that Sri Debendra Nath Rout & others of Kishan Credit CS Ltd., Brahmankhanda, Kisshannagar, Cuttack has filed a Writ petition before the Hon'ble High Court, Orissa in W.P.(C) No.15913 of 2022.

In the aforesaid case, the petitioners have alleged through their representation dt-18.04.2022 to conduct an enquiry under section-65 of the OCS Acts & Rules regarding irregularities/illegalities and misappropriated amount of the depositors of the Kishan Credit CS Ltd., Brahmankhanda, Kisshannagar, Cuttack. Furthermore, it is also humbly submitted that the enquiries into such allegation petitions have been received from different quarters including the petitioners concerned in this Office into the affairs of the said CS. Accordingly the enquiries to that effect have been instructed (sic) to the ARCS, Jagatsinghpur Circle & also involving a team for joint enquiry constituting the Officers of Administration, Audit & financing Bank to conduct enquiries vis-à-vis to find out the misappropriated amount of depositors of the said CS in different accounts such as SBD, RD, FD etc.

In the meantime, the enquiries into such allegations are going on and soon after receipt of the enquiry report from the enquiry Officers/team appropriate action shall be taken against Sri Suratha Chandra Parida, Ex-Secretary, Kishan Credit CS Ltd., Brahmankhanda, Kisshannagar, Cuttack & other delinquents as per provision laid down in OCS Acts & Rules.

In the aforesaid case the Circle ARCS, Jagatsinghpur Circle (O.P. No.-05) is hereby authorized to submit the PWC in consulting with Addl. Govt. Advocate, O/o the Advocate General, Odisha, Cuttack and also file counter affidavit before the Hon'ble High Court, Orissa, Cuttack.”

5. From the above, it is clear that the actions have already been taken pursuant to the representation of Petitioners dated 18th April, 2022 (Annexure-1). But at the same time, this Court finds that the enquiry in the matter is not completed.

6. Hence, this Court, while disposing of the writ petition, directs Deputy Registrar of Cooperative Societies, Cuttack

Division-II, Cuttack-Opposite Party No.4 to see that the enquiry is completed expeditiously and action as deem fit and proper is taken in pursuance thereof.

6.1 As requested by Mr. Mishra, learned AGA, a copy of this order may be handed over to him for communication and compliance.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy