

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 17005 OF 2022

Pabitra Kumar Mohapatra

Petitioner

Mr. Santosh Kumar Mahanty, Advocate

-versus-

State Co-operative Election

.... Opp. Parties

***Commission, Odisha, Bhubaneswar
and others***

Mr. H.M. Dhal, Advocate

(For State Co-operative Election Commission)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

14.07.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Election Officer, Jagannath Prasad Service Cooperative Society Ltd. to cause an enquiry into the complaint dated 28th June, 2022 prior to holding the election for the post of President scheduled to be held on 14th July, 2022.
3. Mr. Mohanty, learned counsel for the Petitioner submits that there are four numbers of valid voters in Jagannath Prasad Service Cooperative Society Ltd. However, by incorporating the name of one Balakrushna Padhi in the voter list, the Opposite Party No.6, namely, Nityananda Rath, got elected as a committee member of the said society. The result was declared on 26th June, 2022 and the Petitioner immediately made an objection on 28th June, 2022, which was not paid any heed. On the other hand, the Election Officer is proceeding to conduct the election for the post of President of the said Society. As his objection remained unattended till date, the Petitioner is

seriously prejudiced as the election process both for the post of committee member as well as President will be vitiated. He, therefore, prays for the aforesaid relief.

4. Mr. Dhal, learned counsel appearing for the State Co-operative Election Commission by filing Vakalatnama in Court submits that the election for the post of committee member has already been over and the election for the post of President is scheduled to be held on 14th July, 2022. Further, the objection raised by the Petitioner on 28th June, 2022 cannot be taken into consideration by the Election Officer after declaration of the result of the election for the post of committee member of the said society. However, the Petitioner has a remedy under the Orissa Co-operative Societies Act and the Rules framed thereunder to raise his grievance by filing a properly constituted election dispute. In that view of the matter, he prays for dismissal of the writ petition. Vakalatnama filed be kept on record.

5. Taking into consideration the submissions made by learned counsel for the parties and the fact that election for the post of committee member has already been over and result of such election has already been declared pursuant to the electoral roll of the said Co-operative Society, this Court is not in a position to go into the validity of the said electoral roll and consequential action pursuant to the same. If the Petitioner so advised, he may challenge the same by filing a properly constituted election dispute.

6. In view of the above, this writ petition is disposed of with an observation that the Petitioner, if so advised, may move

the State Co-operative Tribunal by filing a properly constituted election dispute.

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

(K.R. Mohapatra)
Judge

bks

