

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18442 of 2022

Nagendra Prasad Biswal ***Petitioner***

Mr. Baidhar Sahoo, Advocate

-versus-

***Member, Cooperative Tribunal,
Odisha, Bhubaneswar and others*** ***Opp. Parties***

Mr. Ajodhya Ranjan Dash,
Additional Government Advocate
(For Opposite Party Nos.1, 3 and 4)

Mr. Harmohan Dhal, Advocate
(For Opposite Party No.2)

Mr. Bhabani Sankar Mishra, Advocate
For Opposite Party Nos.5 and 6)

Mr. Pranab Kumar Samantaray, Advocate
(For Opposite Party No.7)

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER
30.08.2022

Order No.

2. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 18th July, 2022 passed by learned Member, Cooperative Tribunal, Odisha, Bhubaneswar in Misc. Case No.105 of 2022 (arising out of ED Case No.39 of 2022), whereby a direction was made to stay operation of the order under Annexure-3 therein, by which the Petitioner was declared elected.
3. It is submitted by Mr. Sahoo, learned counsel for the Petitioner that on appearance of the Petitioner in the election dispute, he filed an application for adjournment to file objection to the interim application, but without considering the same the

interim order has been passed. In the meantime, the Petitioner has already filed the objection to the interim application. It is his submission that learned Tribunal could not have stayed the result of the election, as it directly contradicts the mandate of the Hon'ble Supreme Court. He, therefore, prays for setting aside of the impugned order under Annexure-1.

4. Mr. Dhal, learned counsel for the State Cooperative Election Commission submits that since Petitioner stated to have filed objection to the interim application, interest of justice will be best served, if a direction is made for disposal of the interim application at an early date.

5. Mr. Dash, learned AGA also supports the submission of Mr. Dhal, learned counsel for the State Cooperative Election Commission.

6. In view of the above, the writ petition is disposed of with an observation that learned Tribunal shall do well to consider the objection, if any, stated to have been filed by the Petitioner in the interim application and pass a reasoned order in the Misc. Case in accordance with law giving opportunity of hearing to the parties concerned. It is made clear that this Court has not expressed any opinion on the merit of the case of the Petitioner.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge