

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.18795 OF 2022

Kulamani Samal & ors.

....

Petitioner

Mr.Patra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
8.9.2022**

Order No.

03. 1. Heard learned counsel for the Petitioners and learned Additional Government Advocate for the State.

2. The Writ Petition involves the following prayer :-

“Under the facts and circumstances stated above, the Petitioner therefore prays that this Hon’ble Court may graciously be pleased to issue a Writ/Writ(s) in the nature of a writ of certiorari quashing the Order dtd.21.07.2022 under Annexure-2 so far it relates to tagging of framer’s of Narendrapur Service Cooperative Society with Jamjodi Service Cooperative Society.

And further be pleased to issue a Writ/Writ(s) in the nature of a writ of Mandamus directing the Opposite Parties to entrust the procurement of paddy (Kharif crop) for the KMS 2022-23 to Narendrapur Cooperative Society, Tihidi Block, Dist-Bhadrak as per law.

And pass any other order/orders as would be deemed fit and proper.”

3. From the pleadings of the Petitioners and the recording of this Court in passing order dated 1.8.2022, it appears, there

involving an allegation against the Secretary of Narendrapur Cooperative Societies, business of Narendrapur Cooperative Societies was assigned earlier to Baba Gorekhnath SHG resulting in handing over the affairs of Narendrapur Cooperative Societies to Jamjodi SCS on 21.7.2022, vide Annexure-2. The submission and the pleading further disclosed that in the meantime, there is already allegation of Baba Gorekhnath SHG and the new elected Body has come to exist

4. Considering the submission of Mr. Patra, learned counsel for the Petitioners that for duly constituted elected Body of Narendrapur Cooperative Societies has come to exist, there is no further necessity of attachment of the affairs of Narendrapur Cooperative Societies to any other Establishment. This matter was entertained on 1.8.2022 and there is a detailed order resulting asking the learned State Counsel to take instruction. In the meantime, the matter again got listed on 25.8.2022 and adjourned to today. There is no instruction coming forth even after so much loss of time.

5. Considering the specific averments through Paragraph-5 of the Writ Petition that there already exists of an elected Body of Narendrapur Cooperative Societies, period of such body cannot be extended and it cannot be deprived of its statutory discharge, this

Court finds, in the event there is already new elected Body existing in the Narendrapur Cooperative Societies, there should not be loss of a minute's of time in allowing the Narendrapur Cooperative Societies to discharge its own functioning.

6. This Court here to avoid any further loss disposes of the Writ Petition directing O.Ps.3 & 5 to find if in fact the Narendrapur Cooperative Societies has already got its elected Body and in such event, in modification of the order under Annexure-2 to restore the affairs of the Narendrapur Cooperative Societies with it forthwith. The entire action be completed within fifteen days from the date of service of copy of this order.

M.K.Rout

(Biswanath Rath)
Judge