

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20512 of 2022

Pradipta Kumar Pradhan and another* *Petitioners

Mr. Manas Mohapatra, Senior Advocate
being assisted by Mr. Shishir Kumar Routray,
Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Suvashish Pattanaik,
Additional Government Advocate
(For Opposite Party Nos.1 and 2)

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

**ORDER
07.09.2022**

Order No.

2.
 1. This matter is taken up through Hybrid mode.
 2. Petitioners in this writ petition pray for a direction to Opposite Parties not to proceed with the matter in connection with their membership rights of Capital Co-operative Housing Ltd. The matter relates to enhancement of membership fee of Opposite Party No.3-Society to which the Petitioners belong.
 3. In course of hearing, this Court vide order dated 29th August, 2022, directed learned State Counsel to take instruction and apprise the Court as to whether variation of membership fee of the Society to which these Petitioners belong, requires amendment of Bye-laws.
 4. Mr. Mohapatra, learned Senior Advocate appearing for the Petitioners very fairly submits that Rule 8 of Odisha Cooperative Societies Rules, 1965 (for short, 'the Rules') deals

with the subject matter of Bye-laws and Sub-rule (10) thereof deals with the entrance and other fess and fine, if any, to be collected from members. He thus submits that variation in the membership fees of the Society to which Petitioners belong requires amendment of Bye-laws. In that view of the matter, he prays for withdrawal of the writ petition to work out the remedy in accordance with law.

5. Mr. Pattnaik, learned AGA also submits that variation in the membership fees requires amendment of Bye-laws by the general body meeting as contemplated under Rule 14 of the said Rules.

6. In view of the above, the writ petition is disposed of as withdrawn with an observation that Petitioners may work out their remedy in accordance with law.

(K.R. Mohapatra)
Judge

s.s.satapathy