

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 25601 OF 2022

Sanyasi Pradhan

....

Petitioner

Mr. Adwitiya Satpathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. H.M. Dhal, Advocate

(For State Co-operative Election Commission)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.10.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. Mr. Ashok Kumar Rath, learned counsel enters appearance on behalf of Opposite Party Nos.4 and 5 by filing Vakalatnama in Court today, which is taken on record.
3. This writ petition has been filed with the following prayer:

“It is, therefore, humbly prayed that this Hon’ble Court may graciously be pleased to admit this writ petition, issue rule nisi calling upon the opposite parties to show cause as to;

 - A) Why the Constituency/zone list of affiliated societies to the NDCCB Ltd vide impugned letter No.2112 dated 17.09.2022 and Letter No.2121 shall not be quashed being illegal and arbitrary.
 - B) Why the Opp. Party No.4 Election officer shall not be directed to Prepare a fresh constituency/zone wise list of affiliated member society on territorial basis and voter list for the Nayagarh district central cooperative bank election 2022 in accordance to section 124 read with Rule 6(3) & 6 (3-a) of OCS (Election) rules 1992.
 - C) Why the election officer shall not be directed to Prepare a fresh constituency/zone wise list of affiliated member society and voter list keeping in view the proportional representation meant for reservation of various categories.

If the opposite parties fail to show cause or show insufficient cause the Hon'ble Court may be pleased to make the rule absolute in granting the relief's prayed for in the facts and circumstances of the case;

And/or pass any other order/orders as this Hon'ble Court may deem fit and proper in the interest of justice;

And for this act of kindness the petitioner as in duty bound shall ever pray."

4. Upon hearing learned counsel for the parties, this Court feels that relief sought for in this writ petition requires factual adjudication by leading evidence. Hence, the same cannot be adjudicated in a writ petition.

5. Accordingly, this writ petition is disposed of with an observation that the Petitioner, if so advised, may work out his remedy in accordance with law after declaration of the result of election.

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

bks

संक्षेपिक न्यायो

(K.R. Mohapatra)
Judge

ORISSA