

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 27450 OF 2022

Debasish Pattanayak ***Petitioner***

Mr. Gyaneswar Satpathy, Advocate

-versus-

State Co-operative Election ***Opp. Parties***
Commissioner, Bhubaneswar and
others

Mr. H.M. Dhal, Advocate
(For State Co-operative Election
Commissioner-Opp. Party No.1)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
02.12.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. Allegation of the Petitioner in this writ petition is with regard to violation of the order of status quo dated 14th July, 2022 passed by learned Member, Co-operative Tribunal, Bhubaneswar in Misc. Case No.132 of 2022 (arising out of ED Case No.64 of 2022).
 3. Mr. Satpathy, learned counsel for the Petitioner submits that while considering the election dispute, learned Tribunal vide order dated 14th July, 2022 directed the parties to maintain status quo in the matter. The said order is continuing till date. In the meantime, the Opposite Party No.7 assumed the charge of President, Chandigarh Service Co-operative Society in violation of the order of status quo, which is apparent from the Notice No.2 dated 10th October, 2022 as at Annexure-7. Thus, the

Opposite Party No.7 should be restrained from discharging his duties as President of Chandigarh Service Co-operative Society.

4. Mr. Dhal, learned counsel appearing for the Opposite Party No.1-State Co-operative Election Commissioner submits that on perusal of the order dated 14th July, 2022 passed by learned Tribunal, it is evident that the result of election was declared on 11th July, 2022, when the Opposite Party No.7 was declared uncontested. Thus, in all probability he assumed the office before the order of status quo was passed. There is no material on record to show that the Opposite Party No.7 had, in fact, assumed the charge of President of Chandigarh Service Cooperative Society after the order of status quo was passed. Hence, this writ petition is not maintainable and is liable to be dismissed.

5. Considering the rival contentions of the parties and on perusal of the record, it appears that as per the notice of election under Annexure-3, final list of the candidates was published on 11th July, 2022. But the Opposite Party No.7 was declared uncontested on the said date, which is apparent from the order dated 14th July, 2022 of learned Tribunal. There is also no material to the effect that the Opposite Party No.7 assumed the charge of President of Chandigarh Service Cooperative Society after the order dated 14th July, 2022 is passed. Although it is borne out from the election notice under Annexure-3 that counting of votes and declaration of result was scheduled to be held on 15th July, 2022, but the Opposite Party No.7 being declared uncontested, the said occasion did not arise at all. Notice under Annexure-7 as referred by Mr. Satpathy, learned

counsel for the Petitioner only indicates that the same was an information to the members of the Society for a meeting scheduled be held on 18th July, 2022. That cannot by itself be a material to show that the order dated 14th July, 2022 has been violated. In absence of any material to the effect that the Opposite Party No.7 assumed the charge of the office of President, Chandigarh Service Cooperative Society after the order of status quo was passed on 14th July, 2022, I find no merit in the writ petition.

6. Accordingly, the writ petition being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge

bks

