

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27582 of 2022

Balaram Rout

.... Petitioner

Mr. A. Mohanty, Advocate

-versus-

1. State of Odisha

**2. Inspector General of
Registration -cum-
Registrar of Societies,
Odisha**

**3. Collector and District
Magistrate, Keonjhar**

**4. Additional District
Magistrate, Keonjhar**

5. Sub-Collector, Keonjhar

**6. Keonjhar District Truck
Owners' Association**

**7. Advisor of the Keonjhar
District Truck Owners'
Association**

.... Opp. Parties

Mr. Saswat Das

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

27.10.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is a truck owner and member of the Keonjhar District Truck Owners' Association (hereafter, KDTOA), which was registered under Societies Registration Act has made the following prayers in this writ petition:-

- (i) Admit this writ petition, call for the records, issue notice to the opposite parties and after hearing both the parties appropriate direction may be given to the opposite party no.2 to declare the election as soon as possible by issuing appropriate Writ in the nature of Mandamus in the greater interest of justice.
- (ii) Direction to opposite party no.4 to issue same the Notice No.1654 dated 25.08.2022 to Advisor of Keonjhar District Truck Owners' Association (opposite party no.7) directly and handover the charge of Management of association and election.
- (iii) And further direction may be given to the opposite party no.2 to consider the representation which is under Annexure-7.

During the course of argument, learned counsel for the petitioner submitted that the term of the Executive Body of KDTOA has expired on 09.08.2022 and as per the Societies Registration Act and Byelaws, steps should have been given within three months prior to the expiry of term for fresh election but the same has not yet been

done. He placed the Minutes of the Meeting of the Members of KDTOA which was held on 23.08.2022 and it seems that in that meeting, the Additional District Magistrate, Keonjhar, Deputy Collector, Revenue Collectorate, Keonjhar and Sub-Collector, Keonjhar were present and they have put their signatures and the Minutes of the Meeting indicate that the Members of the meeting agreed upon the suggestion put forth and it was decided to direct the members of General Body to enable the Advisory Board to take over the Office of the KDTOA, to process and complete the Election by 30.09.2022 and the Administration also agreed to extend Police/Magisterial support for smooth conduct of the Election. Learned counsel further submitted the following the meeting held on 23.08.2022 and though the Additional District Magistrate, Keonjhar issued letter on 25.08.2022 as per Annexure-5 that the Advisory body of KDTOA shall take over the Office of KDTOA and initiate necessary action for the election of the next General Body of the KDTOA office by 30.09.2022 as per rules and regulations adopted by the members of KDTOA in their Memorandum/Byelaw in force but the copy of the said letter was only forwarded to the IGR, Odisha, Cuttack and the Sub-Collector, Keonjhar for information and necessary action.

It is contended by the learned counsel for the petitioner that since the copy of the letter has not been

forwarded to the KDTOA, no follow up action has been taken and necessary direction may be issued to the opposite party no.4 Additional District Magistrate, Keonjhar to forward the copy of Annexure-5 to the Advisory Board to take necessary action by extending the period stipulated in that letter as the date has already expired.

Though the learned counsel for the State raised objection against the maintainability of this writ petition but in view of the limited nature of grievance of the petitioner, who is a member of the association, the opposite party no.4 Additional District Magistrate, Keonjhar shall do well to issue necessary direction to the Advisory Board of the Keonjhar District Truck Owners' Association i.e. opposite party no.7 in terms of Annexures-5 and 6 for initiating necessary action for Election of the Governing Body of the KDTOA Office within a stipulated date.

Accordingly, the writ petition is disposed of.

A free copy of this order be handed over to the learned counsel for the State which will be forwarded to the opposite party no.4 Additional District Magistrate, Keonjhar for compliance.

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

