

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.33216 Of 2020
(Through hybrid mode)**

Soumya Nandan Khuntia

....

Petitioner

Mr. S.K. Dash, Advocate
Mr. S.K. Tripathy, Advocate

-versus-

***Collector and District Magistrate,
Cuttack and others***

....

Opposite Parties

Mr. A.P. Bose, Advocate
Mr. D.P. Jena, Advocate

CORAM: JUSTICE ARINDAM SINHA

**Order
No.**

**ORDER
11.03.2022**

08. 1. Mr. Pal, learned advocate appears on behalf of petitioner and submits, his client is an unregistered society. Two suits are pending on subject matter of election not having been held. Nevertheless, his client being a private association, is not available to order being passed against it in writ jurisdiction.
2. A member of the Church filed a writ petition and obtained order dated 16th September, 2020, without seeking direction for issuance of notice. Coordinate Bench disposed of the writ petition without expressing any opinion on merits of the case, directing the Sub-Collector to consider said person's representation for holding election, in accordance with law.

3. His client has come up against inter alia, consequent letter dated 20th October, 2020 of the Sub-Collector saying, inter alia, as follows:-

“Hence, in obedience to the order of Hon’ble High Court for conducting fresh election of the office bearers of the said Church, you are requested to prepare voter list for said election and supply the same within three (3) days to the undersigned for its draft publication.

Treat this as most urgent.”

4. Here too Court is not inclined to direct issuance of notice but observes that petitioner will be well advised to apply for recall/modification of said order dated 16th September, 2020, since the Sub-Collector cannot be faulted for proceeding to carry out directions made therein. It appears from order sheet, by order dated 12th February, 2021, by implication status quo order in W.P.(C) no.33216 of 2020 was applied. That will continue till two weeks from date.

5. By order dated 21st December, 2020 of coordinate Bench limited interim measure was directed and extended from time to time. W.P.(C) no.2477 of 2021 came to be tagged with this writ petition and covered by said interim order. The interim order will continue till two weeks from date.

6. With the above, the writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

