IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24470 of 2026
CNR No.ODHC010581742026

Bhadrak Cooperative Urban Bank Ltd., Bhadrak .... ***Petitioner***

Mr. S.N. Mishra, Advocate

-versus-

State of Odisha and Others .... ***Opposite Parties***

Mr. C.K. Pradhan, AGA

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
30.10.2026

Order No.

04. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Pursuant to order dated 05.08.2026 and further order passed on 31.08.2026, learned Addl. Govt. Advocate produced the instruction so provided by the Opp. Party No.2 with service of copy on the learned counsel for the petitioner. The same be kept in record.

3. Basing on the instruction, learned Addl. Govt. Advocate contended that order dated 09.05.2024 so passed by Opp. Party No.2 was duly served on the present petitioner so communicated by the office of ARCS, Bhadrak Circle vide letter No.1372 dated 17.05.2024.

3.1. It is accordingly contended that since the impugned order was duly communicated to the petitioner vide Letter No.1372 dated 17.05.2024 of the

ARCS, Bhadrak Circle, it cannot be said that the said order was never communicated to the petitioner.

4. Heard learned counsel for the parties.

5. The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"It is therefore prayed that this Hon'ble Court be pleased to admit this application, and after hearing the counsel for the petitioner, issue a writ in the nature of Mandamus or any other suitable writ, quashing the impugned order dtd.09.05.2024 (Annexure-6) and the consequential communication under Annexure-1 & 2 made by the O.P. No.3, and declaring the consequential action of the O.P. No.2 in appointing O.P. No.3 as the Liquidator in respect of the petitioner-society as illegal, and further directing the O.P. No.2 to recall the liquidator and to cause restoration of possession of the office of the petitioner-society including the records, cash etc. to the petitioner-society and to allow the petitioner-society to smoothly function as the primary cooperative society, within a stipulated time.*
>
> *And/or to pass such other order (s) as may be deemed as just and proper in the circumstances of the case and interest of justice."*

6. It is contended that the impugned order dated 09.05.2024 under Annexure-6 has been passed by Opp. Party No.2 without following the principle of natural justice and without issuing any show-cause. It is further contended that in terms of the provisions contained under Section-133-A of the Orissa Co-operative Societies Act, no such order could have been passed.

6.1. It is accordingly contended that since without following the principle of natural justice and without issuing any show-cause, order dated 09.05.2024 under Annexure-6 was passed by O.P. No.2 with appointment of the liquidator, the said order requires interference of this Court.

7. Learned Addl. Govt. Advocate on the other hand contended that such an order has been passed in terms of the provisions contained Section-133-A of the Act. It is further contended that the present petitioner was before this Court in W.P.(C) No.32485 of 2025, challenging the notice dated 04.02.2025, so issued in terms of the order dated 09.05.2024 by the ARCS, Bhadrak Circle under Annexure-1.

7.1. However, the Writ Petition was withdrawn with liberty to move to Official Liquidator for consideration of the grievance. It is accordingly contended that since the earlier Writ Petition was filed challenging letter dated 04.02.2025, so issued in terms of the impugned order dated 09.05.2024, was withdrawn with liberty to move the official liquidator, the present Writ Petition is not maintainable.

8. Having heard learned counsel for the parties and considering the submission made, it is found that order dated 09.05.2024 under Annexure-6 was passed by Opp. Party No.2 by liquidating the society in exercise of

the power conferred under Section-133-A of the Act. Basing on such order when letter dated 04.02.2025 was issued, the same was challenged by the petitioner before this Court in W.P.(C) No.32485 of 2025. However, the said Writ Petition was withdrawn with liberty to move the official liquidator for consideration of the grievance.

8.1. Be that as it may, considering the submission made by learned counsel for the petitioner that order dated 09.05.2024 under Annexure-6 has been passed by O.P. No.2 without following the principle of natural justice and without issuing any show-cause, this Court while disposing the Writ Petition, permits the petitioner to move Opp. Party No.2 for re-consideration of the order dated 09.05.2024 so issued under Annexure-6. It is observed that if any such application will be moved before Opp. Party No.2 within a period of 3(three) weeks from today, Opp. Party No.2 shall take a lawful decision on the same within a period of 3(three) months from the date of receipt of such application.

9. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified
Digitally Signed
Signed by: BASUDEV SWAIN
Designation: SENIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Nov-2026 10:33:24
Basudev