



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18842 of 2025

Sudhir Mukar Mohanty *Petitioner (s)*
M/s. Prabodha Chandra Nayak, Adv.
-versus-
State of Odisha & Ors. *Opp. Party (s)*
Ms. Gayatri Patra, ASC.

CORAM:

DR.JUSTICE SANJEEB K. PANIGRAHI

Order No.

02.

ORDER

13.08.2025

1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed this Writ Petition with the following prayer:

"It is therefore prayed that, this Hon'ble Court may be graciously pleased to:-

A) Issue an appropriate writ/writs, order/orders or direction/directions, particularly a writ in the nature of Mandamus, directing the Opposite Party No.3 bank to forthwith issue NOC and return the land documents in respect of the loan account under Annexure-5 as the petitioner has paid significantly exceeding the original sanctioned amount of Rs.1,20,000/-.

B) Issue any other writ(s),. order(s), or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice and equity;

Xx xx xx"

3. Heard learned counsel for the Parties.
4. A bare perusal of the contents of the Writ Petition, it appears that this Court has earlier decided the similar issue in the



judgment dated 31.07.2024 passed in W.P.(C) No.18641 of 2020
(*Ch. Ajeet Kumar Das and Ors -vs- Registrar, Co-operative Societies, Odisha and Ors.*). The ordering portion of the said judgment is as follows:

“xx xx xx xx xx xx xx

24. From the aforementioned discussion, it has been established that, for an organization to be deemed as performing a public function, such function must be inherently associated with those performed by the State in its sovereign capacity.

25. Taking a cue from the preceding discussion, there is no evidence on record to suggest that the Respondent/Bank undertakes functions comparable to those exclusively carried out by State authorities. The Respondent/Bank is a non-statutory entity that does not perform any public function, as banking services are provided by both private and State entities. Moreover, the Respondent/Bank does not hold any monopoly status conferred or mandated by law. Although the State may promote such entities as part of its social policy or economic development initiatives, this encouragement does not equate to the performance of a “public function”.

26. In the present case, the lack of State control over the management of the Respondent/Bank significantly influences the conclusion that the Respondent/Bank does not fall within the definition of a public authority. The deputation of employees from another bank and their subsequent absorption by the Respondent/Bank does not imply that it has undertaken a public function. The Respondent/Bank operates under



democratic control, and the ultimate authority regarding the service conditions of its employees lies with the management of the Respondent/Bank.

27. Therefore, in this petition, the Respondent/Bank does not qualify as a "State" or "instrumentality of the State" within the meaning of Article 12 of the Constitution and is thus not subject to the jurisdiction of Article 226.

V. CONCLUSION:

28. In light of the comprehensive exposition of the law provided above, and given the absence of any pleadings by the Petitioners to substantiate that the Opposite Party/bank qualify as a State instrumentality, it is deemed unnecessary to make any further observations on this matter.

29. The Writ Petition is dismissed as not maintainable.

30. Interim order passed earlier stands vacated."

5. Learned counsel for the Petitioner submit that he has no objection, if this matter is disposed of in the light of the judgment passed in the case of **Ch. Ajeet Kumar Das** (supra).
6. Accordingly, in light of the comprehensive exposition of the law which has been highlighted in the case of **Ch. Ajeet Kumar Das** (supra) and given the absence of any pleadings by the Petitioner to substantiate that the Opposite Party Nos.2 and 3 /Cooperative Bank qualify as a State instrumentality, it is deemed unnecessary to make any further observations on this



matter. Hence, the Writ Petition is dismissed as not maintainable.

7. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K. Panigrahi)
Judge

B. Jhankar