



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25952 of 2025

**Jagatsinghpur District Truck Owners' Association,
Jagatsinghpur & another** **Petitioners**

*Mr. A. Parija, Sr. Advocate
Assisted by Mr. B.P. Das, Advocate*

-versus-

State of Odisha & others **Opposite Parties**

*Mr. P.P. Behera, ASC
Mr. S.K. Jethy, Advocate
(For Opposite Party Nos.8 to 12)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

23.09.2025

I.A. No. of 2025

Order No.

02.

This matter is taken up through hybrid mode.

2. Mr. S.K. Jethy, learned Counsel, who has appeared through caveat, files the application for intervention in the Court as the Caveators have not been arrayed as Opposite Parties in the present writ petition. Office is directed to register the I.A. and keep the same on record.

3. In view of the pleadings made in the application for intervention so also the submission made by the learned Counsel for the parties, the prayer for intervention is allowed. The Applicants-Intervenors be added as Opposite Party Nos.8 to 12 to the writ petition.

4. Learned Counsel for the Petitioners is directed to file the consolidated/amended cause title of the writ petition



within three working days and serve copies thereof on the State so also learned Counsel for newly added Opposite Party Nos.8 to 12.

5. Accordingly, the I.A. stands disposed of.

(S.K. MISHRA)
JUDGE

***W.P.(C) No.25952 of 2025 &
I.A. No.16147 of 2025***

- 03.**
- 1.** Learned Counsel for the Petitioner files an Additional Affidavit in the Court, to bring on record certain documents, after handing over copies thereof to the learned Counsel for the State so also learned Counsel for the newly added Opposite Party Nos.8 to 12.
 - 2.** Heard learned Counsel for the parties at length.
 - 3.** As it revealed from the record, impugned is the order signed on 08.09.2025, which was communicated to the Petitioners-Association vide Memo No.16190 dated 09.09.2025, as at Annexure-9. Vide the said order the Opposite Party No.2 i.e. Additional District Magistrate-Cum-Additional Registrar of Societies, Jagatsinghpur has passed an order disapproving the resolution dated 23.11.2024 produced before him for approval, so also dissolving the selected body of the Association, basing on such resolution and ordering for formation of Interim Committee for proper administration of the Petitioner Association.
 - 4.** Admittedly, the proceeding was initiated by the



Opposite Party No.2 at the behest of the present Opposite Party Nos.8 to 12 and some others, who claim themselves to be the members of the Petitioner-Association.

5. The coordinate Bench passed an order on 30.05.2025 in W.P.(C) No.15302 of 2025, pursuant to which the Opposite Party No.2 ,in Misc. Case No.01 of 2025, passed an order that the registration of the Petitioner No-1-Association is valid for five years from the date of commencement of the Societies Registration (Odisha Amendment), Act, 2021 and disposed of the said Misc. Case.

6. The Petitioners-Association again approached this Court in W.P.(C) No.23998 of 2025 challenging the initiation of proceeding by the Opposite Party No.2 based on the complaint made by the present Interveners and others regarding day to day affairs of the said Society, on the ground that the same is beyond his authority. This Court passed an interim order in the said writ petition directing not to take any coercive action against the Petitioners-Association till the next date. But the impugned order was allegedly passed just one day before the said order , which was communicated to the Petitioners-Association vide Memo dated 09.09.2025, as at Annexure-9.

7. Learned Senior Counsel submits, in view of the nature of the allegations made by the Opposite Party Nos.8 to 12, the Opposite Party No.2, instead of advising them to seek their remedies before the Civil Court in terms of Section 11A of the Societies Registration Act, 1860, shortly



hereinafter “the Act, 1860”, has passed the impugned order without any authority. In addition to that, it was also brought to his notice by filing an affidavit on 08.08.2025 that the said issue at the instance of the Petitioner-Association is sub-judice before the Civil Judge (Sr. Division), Kujang, Jagatsinghpur in C.S. No.11 of 2025, to which the complainants are parties. On 08.09.2025 a petition for time was moved on the ground of bereavement in the family of the learned counsel of the Petitioner Association. Still the Opposite Party No.2 passed the impugned order hurriedly, behind the back of the Petitioner Association, without any authority so also authority to constitute the interim committee to manage the day to day affairs of the said Society.

8. Per contra, Mr. Behera, learned Counsel for the State, drawing attention of this Court to the provisions enshrined under Section 4 & 4A of the Societies Registration Act, 1860 submits, the Opposite Party No.2 was justified to pass the impugned order because of non-compliance of the said provisions and non-production of the original records before the Opposite Party No.2 .

9. Mr. Behera further submits, since the Opposite Party No.2 disapproved the Resolution dated 23.11.2024 so also the selected body, it was justified to form an internal committee to manage the day to day affairs of the Association until further election.

10. A query being made by this Court as to under which provision of the Act, 1860 or Bye-Law of the Petitioners-Association, the Opposite Party No.2 is competent to pass



the impugned order so also order regarding formation of Interim Committee, consisting the officials of the district administration, learned Counsel for the State so also learned Counsel for the newly added Opposite Party Nos.8 to 12 fail to demonstrate before this Court any such legal provisions under the Act, 1860 so also the provisions under the Bye-Law of the Association.

11. However, keeping the said point open to be adjudicated in the writ petition, prima facie, this Court is of the view that a case is made out by the Petitioners-Association for interference and granting interim protection. Hence, as an interim measure, operation of the impugned order dated 08.09.2025 passed by the Opposite Party No.2 , as at Annexure-9, is stayed till the next date.

12. The State as well as Opposite Party Nos.8 to 12 may file their respective Counter Affidavits within four weeks hence.

13. The matter be listed in the week commencing from 10th November, 2025 along with W.P(C) No.22662 of 2024 so also W.P(C) No.23998 of 2025.

14. It is made clear that pendency of the writ petition shall not be a bar for the Opposite Party Nos.8 to 12 to redress their grievances, if any, before the concerned Civil Court, if so advised.

15. As the learned Counsel for the State is concerned about law and order situation in the locality, because of the dispute and differences amongst the members of the Petitioner-Association, the Office Bearers as well as Members of the Petitioner No-1 Association are directed to



maintain law and order and not to create any unpleasant situation.

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

Prasant

(S.K. MISHRA)
JUDGE

Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR PRADHAN
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 24-Sep-2025 15:28:27

