



IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) Nos.29632, 24174 & 24177 of 2025, W.P.(C)
Nos.29678 & 29719 of 2023 & W.P.(C) No.4189 of 2026**

Suryakanta Samal

....

Petitioner

Mr. A. Mishra, Advocate

Mr. A. Behera, Advocate in

W.P.(C) Nos.29678 & 29719 of 2023

-versus-

***State of Odisha and
Others***

....

Opposite Parties

Mr. C.K. Pradhan, AGA

Mr. B. Sahoo, Advocate for O.P. Nos.3, 5 & 8

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.02.2026

Order No.

- 09.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the parties.
3. Since the issue involved in all these Writ Petitions is with regard to management of the affairs of Petapada and Juania PACS, coming under ARCS, Kendrapara, all the matters were heard analogously and disposed of by the present common order.
4. Writ Petitions in W.P.(C) No.29678 of 2023 was filed by the Society concerned, challenging order dated 17.07.2023, wherein Juania PACS was affiliated to Cuttack Central Co-operative Bank Limited. Similar



challenge was also made with regard to Juania PACS in W.P.(C) No.29719 of 2023.

4.1. It is found that this Court while issuing notice of the matter in both W.P.(C) No.29678 & 29719 of 2023 vide order dated 04.10.2023 and 09.10.2023, passed an interim order, by staying the operation of letter dated 23.08.2023 so issued by the Opp. Party-Co-operative Bank and so also the letter dated 17.06.2023 issued under Annexure-1 to both the writ petitions.

4.2. However, it is not disputed that on the face of such interim order passed by this Court on 04.10.2023 and 09.10.2023, the then ARCS, Kendrapara allowed the Committee of Management of both Petapada and Juania PACS to manage the affairs of both the Societies instead of taking charge as Administrator. Taking advantages of such illegal action on the part of the then ARCS, Kendrapara, the Committee of management of both Petapada and Juania PACS involved them with huge mis-appropriate of society funds..

4.3. While being so allowed to continue, contrary to the interim order passed by this Court on 04.10.2023 and 09.10.2023 in W.P.(C) No.29678 & 29719 of 2023, when ARCS, Kendrapara issued a letter on 23.07.2025 to the Secretaries of both the Societies, basing on some enquiry report submitted by the High Level Officers, that Special Audit will be conducted with regard to mis-



appropriation of public fund, challenging such letter issued by the ARCS, Kendrapara Circle on 23.07.2025, W.P.(C) No.24174 and 24144 of 2025 were filed.

4.4. Similarly, W.P.(C) No.29632 of 2025 was filed, when further communication was issued by the DRCS on 16.10.2025 with regard to loan and finance of the existing members of Gobindpur PACS under Aul Block.

5. While taking up all these matters, when it was found that interim order passed by this Court in W.P.(C) Nos.29678 & 29719 of 2023 on 04.10.2023 and 09.10.2023, has not been followed and instead of managing the affairs of both the newly created Petapada and Juania PACS as the Administrator, the then ARCS, Kendrapara allowed the society to function through the committee of Management, various orders were passed by this Court, directing Opp. Party No.2. ARCS, Kendrapara to cause enquiry and submit a report.

6. Basing on such orders passed by this Court, an enquiry was conducted with submission of the report by the ARCS, Kendrapara before this Court through the learned Addl. Govt. Advocate. This Court after going through the report so furnished by the Joint Registrar of Co-operative Societies-cum-Enquiry Officer dated 26.11.2025, finds that on the face of the interim order passed by this Court in W.P.(C) NO.29678 & 29719 of



2023, the then ARCS, Kendrapara namely Santosh Kumar Das and Jogendranath Biswal while not functioning as administrator of both the Society, allowed the Society to run through the Committee of Management. The conclusion part of the said report reads as follows:-

“On the question of continuance of Sri Suryakanta Samal and Sri Mukesh Kumar Thatoi as In-charge Secretaries of Petapada and Juania PACS, It is noticed that Sri Santosh Kumar Dash, ARCS, Kendrapara, now working as DRCS, Phulbani and Sri Jogendranath Biswal, presently continuing as ARCS, Kendrapara are responsible for not carrying out the interim order of the Hon'ble Court in WP (C) No.29678 of 2023 and 29719 of 2023.

<i>Name of the ARCS, Kendrapara Circle</i>	<i>Duration</i>	<i>Remarks</i>
<i>Santosh Kumar Dash</i>	<i>08.12.2021- 26.02.2024</i>	<i>He was also In-charge of the DRCS, Kendrapara from 15.03.2024 to 06.06.2025. He is now posted as DRCS Phulbani</i>
<i>Jogendranath Biswal</i>	<i>14.03.2024- continuing</i>	<i>He was simultaneously working as Administrator of Juania and Petapada PACS as well as ARCS, Kendrapara Circle</i>

The ARCS, Kendrapara, Opp. Party No.2 has not issued any direction to carry out the interim orders passed by the Hon'ble Court on dated 04.10.2023 and 09.10.2023 neither to the preliminary committee of the Juania and Petapada PACS nor to the administrators appointed in different durations in these PACS.

The Circle Assistant Registrar of Co-operative Societies(ARCS) is the administrative head in his jurisdiction and is responsible for implementation of different directions issued from directorates, departments and courts. It is also noticed that the ARCS, Kendrapara has not informed to their higher authorities like DRCS and RCS, Odisha that the Aul branch of Cuttack CCB has advanced loans in Juania and Petapada



PACS despite restrictions have been imposed on affiliation and issuance of receipt books. Therefore, not carrying out the interim order passed by the Hon'ble Court in WP (C) No.29678 of 2023 and 29719 of 2023 is wilful and deliberate on the part of the above ARCSs."

6. Learned Addl. Govt. Advocate also fairly contended that because of the fault committed by the then ARCS, Kendrapara namely Santosh Kumar Das and Jogendranath Biswal, all these mis-management have taken place.

7. Having heard learned counsel for the parties, considering the submission made and taking into account the report furnished by the Joint Registrar of Co-operative Society-cum-Enquiry Officer on 26.11.2025, while disposing all the Writ Petitions with quashing of order dated 17.07.2023, this Court directs ARCS, Kendrapara Circle to remain as administrator of both Petapada and Juania PACS until further order to be passed by the Registrar of Co-operative Societies, Odisha. This Court further directs Opp. Party No.2 to take necessary action in accordance with law against the then ARCS, Kendrapara namely Santosh Kumar Das and Jogendranath Biswal for not following the interim order passed on 04.10.2023 and 09.10.2023 in W.P.(C) No.29678 & 29719 of 2023.

7.1. Both the Societies be allowed to run by the administrator till appropriate action is taken by Opp. Party No.2 as directed. Opp. Party No.2 is also directed



to take appropriate action by conducting the special audit of both Petapada and Juania PACS in terms of letter dated 23.07.2025 and take appropriate action basing on the report of the special audit in accordance with law.

8. All the Writ Petitions stand disposed of with the aforesaid direction.

Photocopy of this order be placed in the connected matters listed today.

(Biraja Prasanna Satapathy)
Judge

Basudev