



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34971 of 2025

Parameswar Dash

....

Petitioner

Mr. Biplab P.B. Bahali, Advocate
-versus-

State of Odisha and others

....

Opposite Parties

Mr. Debashis Tripathy, Additional Government Advocate

**CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE MURAHARI SRI RAMAN**

Order No.

**ORDER
16.12.2025**

01. 1. The instant writ petition has been filed by the petitioner in the nature of Public Interest Litigation (PIL) seeking a mandamus upon the State Government to revive all the dormant cooperative societies by invoking power under Section 40 of the Odisha Cooperative Societies Act, 1962 (hereinafter referred to as 'the Act') and also the lawful functioning of all the Regulated Market Committees (RMCs) for the larger benefit of the public.
2. It is contended by Mr. Biplab P.B. Bahali, learned counsel appearing on behalf of the petitioner that Section 40 of the Act casts the duty upon the State Government to promote the cooperative



movement in the State and to take steps in this direction as may be necessary. It is fervently submitted before us that a representation has been made to the State Government flagging such issue, which is simply kept in a suspended animation and no step or any decision has yet been taken thereupon.

3. We had an occasion to peruse Section 40 of the Act, which postulates the core aim and the object of enacting the Cooperative Societies Act in the State. It is the ethos on which the legislative action is founded upon as the State Government is obligated to promote the cooperative movement and take steps in this regard. It does not confer any right into a person except the obligation foisted upon the Government to promote cooperative movement.

4. The promulgation of the Act is to ensure such obligation and to promote cooperative movement within the State and also to regulate, supervise and provide for the mechanisms relating to the cooperative societies. Such purpose is achieved by enacting our legislation and to further cooperative movements within the State.

5. We had an occasion to peruse the representation filed by the petitioner, wherefrom it appears that several cooperative societies as well as the Regulated Marketing Committees have been liquidated



and/or wound up which the petitioner intends to revive using the tool of filing the Public Interest Litigation.

5.1. Section 72 of the Act confers power upon the Registrar to cancel or wind up any society provided the eventualities contemplated therein are found. Once the order is passed by the Registrar for winding up any society by using the powers conferred under the said statute, the Public Interest Litigation commanding the State to act contrary to the remedies provided therein is unwarranted and uncalled for. The Court cannot issue a *mandamus* upon the authority to do a thing *dehors* the law or in contravention thereto. The moment the legislation is passed by the Assembly taking shape of law, it is imperative on the part of the Government and all the stakeholders of the State legislation to comply and implement each of such provisions and it would create a chaotic situation in the event the *mandamus* is issued by the Court which undermines or makes such legislation subservient to the Court.

5.2. Sub-section (3) of Section 72 of the Act also empowers the Registrar to cancel any order for winding up; equally Section 109 of the said Act provides a remedy by way of an appeal against an order



passed by the Registrar under Section 72 of the said Act [See Clause (k) of sub-section (1) of Section 109 of the Act).

5.3. The tenet of the said representation filed by the petitioner implies that all cooperative societies or the RMCs, which are liquidated under Section 72 of the Act to be resurrected by using an indirect manner when the right to remedy such action can be traced from the statutory provisions. It would be an idle formality in directing the State Government to take a decision on the said representation.

5.4. We do not find any justification warranting issuance of *mandamus* upon the authority as the petitioner can pursue the remedy as provided in the said statute.

6. The writ petition is, thus, dismissed. There shall be no order as to costs.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S. Behera

Signature Not Verified

Digitally Signed
Signed by: SUMANTA BEHERA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 17-Dec-2025 17:53:12

