

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C)No.429 of 2023

Smt. N. Ibeni Devi aged about 63 years, W/o of (L) Kh. Kamdeva of Kongba
Makha Nandeibam Leikai, PO & PS Porompat, Imphal East, Manipur-Pin
795005.

...Petitioner

- Versus -

1. The State of Manipur represented by the Additional Chief Secretary(Co-
Operation), Government of Manipur, Old Secretariat Building, South Block,
PO & PS Imphal, Imphal West District, Manipur-795001.
2. The Registrar of Co-operative Society at Lamphelpat, Imphal West
District, Manipur Pin No.795001.

...Respondents

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE MR. M.V.MURALIDARAN
ORDER

11.08.2023

Heard Mr. Md. Jalaluddin learned senior counsel for the petitioner
and Mrs. RK Emily, learned Government GA for the State respondents.

2. This writ petition has been filed by the petitioner for issuance of writ of mandamus directing the respondents to hold fresh election of Apex Handloom Weavers and Handicrafts Artisan' C.S. Limited (AWAS) within a time frame.

3. The learned counsel for the petitioner submitted that the petitioner is the President of All Manipur Weaving Co-operative Society Association. There was an elected body of AWAS led by one Angom Ronika Devi along with six other Board of Directors who were elected by the General Body of the Apex Society for a term of 5 years and the same ended on 2.1.2023 and the Board of Directors has discharged the activities for the welfare of the public. On 31.1.2023, the second respondent directed the Managing Director of AWAS to hold a fresh election for the new Board of Directors and, accordingly, the Managing Director of AWAS initiated steps for holding fresh election and this regard, the Managing Director had also issued notice on 18.3.2023 to all concerned for submission of their Delegate Form-A on or before 25.3.2023.

4. The learned counsel for the petitioner further submitted that during the process of election of the new Board of Directors, the first respondent formed an interim body as Board of Administrators of AWAS for a period of three months or till the completion of the election for the Board of Directors, whichever is earlier without fixing the date for election. The petitioner and

other representatives of various components of the said Apex Body approached the first respondent for holding election as early as possible as per the provisions of Section 73 of the Manipur Co-operative Societies Act, 1976 and till date no action has been taken by the first respondent for holding the election of the said Apex Body.

5. Adding further, the learned counsel submitted that under Section 73 of the Act, the election of Board of Directors shall be conducted by an independent body or any authority as constituted by the second respondent, however, no such authority for holding the election has been constituted, which will amount to forfeiture of the rights of election for the component societies of AWAS. There is also an apprehension in the mind of the component societies for the Apex Body that the respondents will not conduct election at an early date, unless this Court directed the State respondents for holding fresh election within a time frame. Thus, a prayer has been made to direct the State respondents to hold fresh election of AWAS within a time frame.

6. On the other hand, the learned Government Advocate appearing for the first respondent submitted that the respondent authorities are taking steps to conduct the election and therefore, the writ petition is not maintainable. As such, the writ petition is liable to be dismissed.

7. This Court considered the submissions made by the respective counsels and also perused the materials available on record.

8. The grievance of the petitioner is that despite the State respondent having power to fix a date for holding election of the AWAS, it has not taken effective steps to complete the election process and the respondent State is in the mind of extending the term of the Board of Administrators violating the principles of justice and forfeiting the rights of public without holding the election. Therefore, necessary direction may be issued for holding the election of AWAS.

9. It appears that earlier the petitioner has filed W.P.(C) No.422 of 2023, wherein a challenge was made to the action of the first respondent in forming the interim body as Board of Administrators of AWAS for a period of three months or till the completion of the election for the Board of Directors, whichever is earlier.

10. Upon hearing the arguments learned senior counsel for the petitioner and the learned Government Advocate and upon consideration of the materials produced, this Court, by the order 17.5.2023, dismissed the said writ petition. This Court also directed the first respondent to expedite and complete the election of new Board of Directors of the Apex Body in accordance with law. In paragraph (15), this Court observed as under:

“[15] According to the learned senior counsel for the petitioner, the State is likely to extend the term of three months without holding the election of the said Apex Body. The said submission of the learned senior counsel is not substantiated by any material and is a figment of his imagination. Anyhow, the impugned order is dated 28.4.2023 and the three months’ period expires on 27.07.2023. Since the first respondent has issued the impugned order exercising the power conferred under Section 78A of the Act, this Court finds no infirmity in it. Anyhow, it is for the first respondent to initiate the process of conducting the election of new Board of Directors at the earliest in accordance with law.”

11. As against the said order dated 17.5.2023 passed in W.P.(C) No.422 of 2023, the petitioner has not preferred any appeal and the respondents therein have also not filed any appeal and the said order is allowed to attain finality.

12. Now the petitioner contends that there is an apprehension in the mind of the component of Co-operative Societies of the Apex Body that the first respondent will not hold election at an early date. Admittedly, the said apprehension of the petitioner is not supported by any documents. Anyhow, as observed by this Court in the earlier round of litigation in W.P.(C) No.422 of 2023, it is for the first respondent to initiate the process of conducting the election of new Board of Directors at the earliest in accordance with law.

13. The purpose of forming interim body of Board of Administrators is to manage the day-to-day affairs of the society for a period of three months or till completion of the election for the Board of Directors, whichever is earlier. The three months period expired only on 27.7.2023 and this Court had also taken note of the same in its order. In view of the above and in the light of the observation made in W.P.(C) No.422 of 2023, it would be appropriate to direct the State respondent to conduct the election of AWAS within a time frame. If such direction is issued, no prejudice would be caused to any of the parties.

14. In the result,

- (i) The writ petition is disposed of.
- (ii) The respondent State is directed to hold election of AWAS within a period of six months from the date of receipt of a copy of this order in accordance with law.
- (iii) No costs.

ACTING CHIEF JUSTICE

John Kom