

GAHC010033852023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1046/2023

SURHUB UDDIN AND 9 ORS.

S/O LATE HELAL UDDIN, R/O VILL-BHOGAMUR, P.O.-KAWAIMARI, P.S.-
SAMAGURI, DIST-NAGAON, ASSAM, PIN-782140

2: ABDUL BATEN
S/O LATE ABDUL AWAL
R/O VILL-BOROMABEEL
P.O.-MOWAMARI
P.S.-SAMAGURI
DIST-NAGAON
ASSAM
PIN-782140

3: HASEN BANU
W/O ABDUL RASHID
R/O VILL-BHOGAMUR
P.O.-KAWAIMARI
P.S.-SAMAGURI
DIST-NAGAON
ASSAM
PIN-782140

4: NUR MAHAMMAD
S/O LATE SHAMS UDDIN
R/O VILL-JEWMARI
P.O.-TELIACHAPORI
P.S.-RUPAHIHUT
DIST-NAGAON
ASSAM
PIN-782125

5: HAYATUN NESSA
W/O ROFIQUL ISLAM
R/O VILL-BHOGAMUR

P.O.-KAWAIMARI
P.S.-SAMAGURI
DIST-NAGAON
ASSAM
PIN-782140

6: JAMINA KHATUN
W/O YUSUF ALI
R/O VILL-BHOGAMUR
P.O.-KAWAIMARI
P.S.-SAMAGURI
DIST-NAGAON
ASSAM
PIN-782140

7: OWAISE UDDIN
S/O LATE UMMES ALI
R/O VILL-JORAPANI
P.O.-TELIACHAPORI
P.S.-RUPAHIHAT
DIST-NAGAON
ASSAM
PIN-782125

8: ARFAN ALI
S/O ABDUL MAZID
R/O VILL-BAZIAGAON
P.O.-BAZIAGAON
P.S.-SAMAGURI
DIST-SAMAGURI
DIST-NAGAON
ASSAM
PIN-782140

9: RAFIQUL ISLAM
S/O MD HUSSAIN ALI
R/O VILL-BAZIAGAON
P.O.-BAZIAGAON
P.S.-SAMAGURI
DIST-SAMAGURI
DIST-NAGAON
ASSAM
PIN-782140

10: ABDUL KALAM
S/O ABDUL HAI
R/O VILL-BARAMABEEL
P.O.-MOWAMARI

P.S.-SAMAGURI
DIST-NAGAON
ASSAM
PIN-78214

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, CO OPERATION
DEPARTMENT, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI, ASSAM,
PIN-781006

2:THE REGISTRAR
CO-OPERATIVE SOCIETIES ASSAM
SAMABAY BHAWAN
KHANAPARA
GUWAHATI
ASSAM
PIN-781022

3:THE ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES
GUWAHATI ZONE
BHANGAGARH GUWAHATI
ASSAM
PIN-781005

4:THE DEPUTY COMMISSIONER
NAGAON
DIST-NAGAON
ASSAM
PIN-782001

5:THE DEPUTY REGISTRAR
CO-OPERATIVE SOCIETIES
NAGAON
DIST-NAGAON
ASSAM
PIN-782001

6:THE ASSISTANT REGISTRAR
CO-OPERATIVE SOCIETIES
NAGAON
/EXECUTIVE OFFICER
KHATOWAL (RUPAHI) SAMABAI SAMITY
DIST-NAGAON
ASSAM
PIN-782001

7:THE SECRETARY KHATOWAL (RUPAHI) SAMABAI SAMITY
P.O.-BHAGAMUR
BOROMA
DIST-NAGAON
ASSAM
PIN-78214

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : SC, CO OP

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 04-10-2023

Heard Mr. A.I. Uddin, learned counsel for the writ petitioners. Also heard Ms. M.D. Borah, learned standing counsel, Cooperation Department, Assam appearing for the respondent Nos. 1, 2, 3, 5 and 6.

The writ petitioners herein are the shareholders of the Khatowal (Rupahi) Samabai Samity, a registered Cooperative Society, situated in the district of Nagaon. According to the writ petitioners the AGM/ election of the society, which was earlier notified on 13-01-2018, had not been held. Hence, this writ petition seeking a direction to hold the AGM.

Mr. Uddin submits that his clients had submitted their nomination papers by depositing the requisite fee. However, due to non-holding of the AGM as per order dated 13-01-2018, the petitioners could neither participate in the election nor have they been refunded the fee deposited by them.

Ms. M.D. Bora, learned standing counsel, Cooperation Department, Assam, on the

other hand, has invited the attention of this Court to the counter affidavit filed by the respondent No. 6 to submit that during the pendency of this writ petition, the preparation of correct Voters List has been completed and therefore, a fresh notification will be issued shortly notifying the AGM/ election of the Society. As such, Ms. Borah submits that this writ petition be disposed of with a direction to that effect.

Mr. A.I. Uddin has also agreed to the said order but has sought refund of the nomination fee earlier paid by his clients.

In view of the statement made in paragraph 10 of the counter affidavit filed by the respondent No. 6, it is clear that the respondents are willing to refund the nomination fee to the petitioners. As such, no further direction is required to be issued at this stage, save and except, providing that the respondents shall notify the AGM/ election of the society as expeditiously as possible, but not later than 04 weeks from the date of receipt of a certified copy of this order.

Upon such notification, it will be open for the petitioners to submit their nominations, in accordance with law, if so advised.

The writ petition stands closed.

JUDGE

GS

Comparing Assistant