

GAHC010045662023



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

Case No. : WP(C)/1201/2023

OHAB CHOUDHURY AND 7 ORS
S/O- FOZOL HOQUE CHOUDHURY, PERMANENT R/O- JORSHIMULI, P.O.
TAPARPATHER, P.S. CHAYGAON, DIST.- KAMRUP, ASSAM, PIN- 781137

2: SHOFIQUL ISLAM
S/O- CHAND MIA
PERMANENT R/O- VILL AND PO- TUKRAPARA
PS CHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781137

3: MIACHAN ALI
S/O- LT. MESER ALI
PERMANENT R/O- VILL AND PO- TUKRAPARA
PS CHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781137

4: MIR AKHTER AHMED
S/O- ABU TALEB AHMED
PERMANENT R/O- VILL AND PO- TUKRAPARA
PS CHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781137

5: JAHIDUL ALOM AHMED
S/O- JAKIR UDDIN AHMED
PERMANENT R/O- VILL GHORAMARA AND PO- TUKRAPARA
PS CHAYGAON
DIST.- KAMRUP
ASSAM

PIN- 781137

6: MARIAM KHANAM
D/O- DHANU MIA
W/O- ABDUL SALAM AHMED PERMANENT R/O- VILL BHAURABHITHA
PO- BHAURABHITHA
PS CHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781137

7: ALI AKBAR
S/O- LT. AINUDDIN
PERMANENT R/O- VILL- BHAURABHITHA AND P.O. TUKRAPARA
P.S. CHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781137

8: SHAHIDUL ISLAM
S/O- ABDUL BAREQ
PERMANENT R/O- VILL AND PO- TUKARAPARA
PS CHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 78113

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, COOPERATION
DEPTT., DISPUR, GHY-6, KAMRUP (M), ASSAM

2:THE SECRETARY TO GOVT. OF ASSAM
DEPTT. OF COOPERATION
DISPUR
GHY-6
KAMRUP (M)
ASSAM

3:THE REGISTRAR CO-OPERATIVE SOCIETIES
ASSAM KHANAPARA
GUWAHATI - 781022

4:THE ZONAL JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
GUWAHATI ZONE
BHANGAGARH
GUWAHATI-05

KAMRUP (M)
ASSAM

5:THE JUNIOR INSPECTOR/ AUDITOR OF CO-OPERATIVE SOCIETIES
IN THE OFFICE OF THE ASSISTANT REGISTRAR CO-OPERATIVE
SOCIETIES
BHANGAGARH
GHY-05

6:THE PRESIDENT GOROIMARI GAON PANCHAYAT SAMABAY SAMITI
LTD.
GOROIMARI
PS- CHAYGAON
DIST.- KAMRUP (R)
ASSAM
PIN- 781137

7:THE SECRETARY
GOROIMARI GAON PANCHAYAT SAMABAY SAMITI LTD. CHAYGAON
DIST.- KAMRUP (R)
ASSAM
PIN- 78113

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 07-08-2023

Heard Mr. A.W. Aman, learned counsel for the writ petitioner. Also heard Ms. M.D. Bora, learned standing counsel, Cooperation Department, Assam appearing for the respondent Nos. 1 to 5. None has appeared for the respondent Nos. 6 and 7.

The instant writ petition has been filed by the newly elected members of the Goroimari Gaon Panchayat S.S. Ltd. who were elected in the AGM held on 28-12-2022,

being aggrieved by the order dated 12-01-2023 passed by the Zonal Joint Registrar of the Cooperative Societies, i.e. the respondent No. 4 dissolving the newly elected Board of Directors of the Society and appointing a "one man committee" to run the affairs of the Society. The impugned order was apparently issued by invoking jurisdiction under Section 39 of the Assam Cooperative Societies Act, 2007 for violation of Section 32 of the Act on account of the fact that the one man ad-hoc committee entrusted with the responsibility of holding of the AGM had left the venue of the meeting before completing eight of the eleven agenda items of the meeting.

Mr. Aman submits that although the one man ad-hoc committee had left the venue, yet, he was present up to agenda item No. 3, i.e. holding of election of the Board of Directors. Therefore, his absence in the remaining items would not have any vitiating effect on the election of the Board of Directors. The learned counsel for the petitioners' submits that the newly elected Board of Directors had submitted representations dated 02-01-2023 and 10-01-2023 before the respondent No. 2, i.e. Registrar of Cooperative Societies, Assam. However, no action has been taken on their representation till today. Hence, this writ petition.

Ms. Bora, learned standing counsel, Cooperation Department, Assam submits that the impugned order dated 12-01-2023 is appealable under Section 111 of the Act of 2007. Hence, this matter be disposed of with a direction upon the respondent No. 2 to consider the representations submitted by the petitioners by treating them as appeal preferred under Section 111 of the Act of 2007.

Mr. Aman, learned counsel for the writ petitioners has also agreed to such a

recourse but he prays for a direction to complete the process in a time bound manner.

Taking note of the submissions made at the bar and having regard to the facts and circumstances of the case, this writ petition is thus disposed of by providing that the representations dated 02-01-2023 and 10-01-2023 submitted by the writ petitioners be treated as appeal preferred under Section 111 of the Act of 2007 and the respondent No. 3 may dispose of the same with a reasoned order after hearing the interested parties.

The aforesaid exercise be carried out and completed as expeditiously as possible, but not later than 06 weeks from the date of receipt of a certified copy of this order.

Writ petition stands disposed of.

JUDGE

GS

Comparing Assistant