

GAHC010082422022



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

Case No. : WP(C)/2056/2022

PUB CHENGA GPSS LTD AND 2 ORS
REP. BY ITS PRESIDENT
IKRAM HUSSAIN
S/O. LT. EUCHUF ALI
VILL. CHENGA
P.O. CHENGA
DIST. BARPETA
ASSAM
PIN-781305.

2: AZAD GPSS LTD.

REP. BY ITS CHAIRMAN
SARBESH KHAN
S/O. LT. ROMJAN KHAN
VILL. PALHAZI
P.O. AND P.S. PALHAZI
DIST. BARPETA
ASSAM.

3: UTTAR BAGARIBARI GPSS LTD.

REP. BY ITS CHAIRMAN
ATOWAR BHUYAN
S/O. ABDUL BHUYAN
VILL. AND P.O. JATRADIA
P.S. TARABARI
DIST. BARPETA
ASSAM
PIN-781305.
VERSUS

THE STATE OF ASSAM AND 5 ORS

TO BE REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
CO-OPERATION DEPTT.
DISPUR
GUWAHATI-06.

2:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM

CO-OPERATION DEPTT.
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER

BARPETA
DIST. BARPETA
ASSAM
PIN-781314.

4:THE REGISTRAR OF COOPERATIVE SOCIETIES

ASSAM
KHANAPARA
GUWAHATI-22.

5:THE DIST. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES

BARPETA
ASSAM
PIN-781301.

6:THE ASSTT. REGISTRAR OF COOPERATIVE SOCIETIES

BARPETA
ASSAM
PIN-781301.

Advocate for : MR. S K DAS

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

25.07.2023

Heard Mr. S K Das, learned counsel for the petitioners and Mr. S K Talukdar, learned Standing counsel, Co-operation Department, Assam for the respondents.

During the deliberation of the matters, learned counsels for the parties stated that elected Members of the Board and the office bearers of the petitioners' Co-operative Societies, namely, (i) Pub Chenga Gram Panchayat Samabay Samittee and (ii) Azad Gram Panchayat Samabay Samittee, both of district-Barpeta had completed their term/tenure of five years on April, 2023 and June, 2022 respectively as provided under Section 42 of the Assam Co-operative Societies Act, 2007 considering their first AGM held in the year April, 2018 and June, 2017 respectively.

As such, this writ petition with regard to the petitioner Nos. 1 & 2, namely, (i) Pub Chenga Gram Panchayat Samabay Samittee and (ii) Azad Gram Panchayat Samabay Samittee, being infructuous stands dismissed.

The Registrar of Co-operative Societies, Assam along with the other respondents in the Co-operation Department and the Deputy Commissioner, Barpeta shall do the needful to hold fresh elections, for the petitioner Nos. 1 & 2 Co-operative Societies, as per the provisions of Section 41 (2) read with Section 41(6) of the Assam Co-operative Societies Act, 2007, at the earliest, if not already held after the expiry of the term of the previous members of the Board and the office bearers of said Societies.

As stated by the counsel for the petitioner that petitioner No. 3 Co-operative Society, namely, Uttar Bagaribari Gram Panchayat Samabay Samittee had its first Annual General Meeting on 14.09.2019 (specified at Para 4 of the writ petition) and shall complete its five years on 13.09.2024 but, it could not conduct any AGM and election since 14.09.2019.

Considering the same and the amended provisions of the Assam Co-operative Societies

Act, 2007, the said Uttar Bagaribari Gram Panchayat Samabay Samittee, petitioner No. 3 Co-operative Society shall have its AGM at the earliest in accordance with law within a period of 60 days from today, if not held earlier.

The interim order passed earlier on 23.03.2022 with regard to petitioners Co-operative Societies, named above, stands vacated.

With the above observations, this writ petition stands allowed the extent above.

JUDGE

Comparing Assistant