

GAHC010080182023



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

Case No. : WP(C)/2052/2023

AYUB UDDIN LASKAR AND 13 ORS.
S/O- LATE KALAMONI LASKAR,
R/O- VILLAGE- UTTAR KRISHNAPUR PART-II,
P.S.- SILCHAR, DISTRICT- CACHAR,
ASSAM.

2: ABDUS KALAM LASKAR
S/O LATE SAMS UDDIN LASKAR

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

3: RAFIK UDDIN BARBHUIYA
S/O- LATE KALA MIA BARBHUIYA

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

4: HARIS ALI MAZUMDER
S/O- LATE SABER ALI MAZUMDER

R/O- VILLAGE- SABASHPUR PART-I

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

5: AMRIT GOALA
S/O- LATE RAMPRABESK GOALA

R/O- VILLAGE- ATALBOSTI

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

6: JALAL UDDIN LASKAR
S/O- LATE GULAM AKBAR LASKAR

R/O- VILLAGE- AMBIKAPUR PART-VI

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

7: ABU DAS
S/O- LATE GIRI MOHAN DAS

R/O- VILLAGE- UTTAR KRISHNAPUR PART-III

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

8: SALIM UDDIN BARBHUIYA
S/O- LATE MASAID ALI BARBHUIYA

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

9: FARUQUE AHMED LASKAR
S/O- LATE KAMARU AHMED LASKAR

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR

DISTRICT- CACHAR

ASSAM.

10: KRITIBAS CHASA
S/O- LATE JAGADEB CHASA

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

11: LALON UDDIN BARBHUIYA
S/O- LATE SAMIR UDDIN BARBHUIYA

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

12: MAKTOR UDDIN MAZUMDER
S/O- LATE LATU MAZUMDER

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

13: MISLU AHMED CHOUDHURY
S/O- LATE ARZUMAN ALI CHOUDHURY

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM.

14: IMRANA AHMED MAZUMDER
S/O- FAISUL AHMED MAZUMDER

R/O- VILLAGE- UTTAR KRISHNAPUR PART-II

P.S.- SILCHAR
DISTRICT- CACHAR

ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
CO-OPERATION DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-22.

3:THE ZONAL JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
SILCHAR ZONE
SILCHAR
CACHAR
PIN- 788001.

4:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
SILCHAR
DISTRICT- CACHAR
ASSAM.

5:MEHERPUR KRISHNAPUR CO-OPERATIVE SOCIETY LTD.
REPRESENTED BY THE SECRETARY

VILLAGE- UTTAR KRISHNAPUR PART-I

P.O.- UTTAR KRISHNAPUR

DISTRICT- CACHAR
ASSAM

PIN- 788006.

6:AYESHA SULTANA CHOUDHURY
D/O- HABIBUR RAHMAN CHOUDHURY

R/O- VILLAGE- UTTAR KRISHNAPUR PART-I

P.O.- UTTAR KRISHNAPUR PART-II

DISTRICT- CACHAR
ASSAM

PIN- 788006

For the Petitioners : Mr. HRA Choudhury, Sr. Advocate.
Mr. F.U. Borbhuiya, Advocate.

For the Respondents : Mr. A.M. Barbhuiya, Advocate for R-6.
Mr. S.K. Talukdar, SC, Cooperation Deptt.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER**

19.07.2023

The Petitioners herein who were elected to the Board of Meherpur Krishnapur C.S. Limited in the AGM held on 18.03.2023 are aggrieved by the order dated 3rd of April, 2023 whereby the Registrar of Cooperative Society, Assam had disapproved the election held on 18.03.2023 on the grounds and reasons stated therein.

2. Mr. HRA Choudhury, the learned Senior Counsel appearing on behalf of the Petitioners submits that from a perusal of the order dated 3rd of April, 2023 impugned in the instant proceeding clearly shows that the Registrar of Cooperative Societies had only heard the persons whose names have been mentioned at Serial Nos. 1 to 4 of the order dated 3rd of April, 2023. The Petitioners' rights have been violated inasmuch as the said order had been passed without giving the Petitioners an opportunity of hearing.

3. Mr. S.K. Talukdar, the learned Standing Counsel appearing on behalf of the Cooperation Department fairly submits that from a perusal of the impugned order dated 3rd of April, 2023, it does not reflect that the Petitioners who have been affected

by the said decision were heard. He therefore submits that as the issue involved therein would involve taking into account minute details as regards various aspects of the matter and the Registrar of the Cooperative Societies would be in a position to decide the same by giving an opportunity of hearing to the Petitioners, the matter may be relegated back to the Registrar of the Cooperative Societies, Assam for fresh decision.

4. Upon hearing the learned counsel for the parties and taking into account that from a perusal of the impugned order dated 3rd of April, 2023 it does not reflect that the Petitioners were heard, although the order so passed was affecting the right of the Petitioners, this Court therefore sets aside the order dated 3rd of April, 2023.

5. This Court is further of the opinion that the complaint so submitted by the Respondent No. 6 also needs to be adjudicated upon. Accordingly, this Court therefore directs the Registrar of the Cooperative Societies to take a decision in respect to a complaint so filed by the Respondent No. 6 within a period of one month from today by giving the parties including the Petitioners an opportunity of hearing.

6. It is made clear that this Court has set aside the order dated 03.04.2023 only on the ground of violation of the principles of natural justice inasmuch as the Petitioners were not heard. This Court however has not dealt with the merit of the dispute involved in the complaint filed by the Respondent No. 6.

7. A copy of the instant order be served to Mr. S.K. Talukdar, the learned Standing Counsel appearing on behalf of the Cooperation Department to intimate the Registrar of the Cooperative Societies about the instant order so passed for effective compliance.

8. With the above, the writ petition stands disposed off.

JUDGE

Comparing Assistant