

GAHC010143412017



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

Case No. : WP(C)/6156/2017

THE MANAGERS ASSOCIATION AND ANR
THE UNION CO-OPERATIVE BANK LTD. HEAD OFFICE SITUATED AT
MALIGAON, P.O. PANDU, GUWAHATI -12, BEING REP. BY ITS GENERAL
SECRETARY, SRI MAHENDRA CHANDRA DAS.

2: MAHENDRA CHANDRA DAS
THE GENERAL SECRETARY
THE MANAGERS ASSOCIATION
THE UNION CO-OPERATIVE BANK LTD.
HEAD OFFICE SITUATED AT MALIGAON
P.O. PANDU
GUWAHATI-1

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, CO-
OPERATION DEPARTMENT, DISPUR GUWAHATI -06.

2: THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-38.

3: THE RESERVE BANK OF INDIA
REP. BY ITS REGIONAL DIRECTOR
ASSAM
GUWAHATI-01

4: THE SUPERINTENDENT OF POLICE
BUREAU OF INVESTIGATION (EO)
ASSAM
SRIMANTAPUR
GUWAHATI-32

5:THE UNION CO-OPERATIVE BANK LTD.
HEAD OFFICE SITUATED AT KANAKLATA PATH OFF GS ROAD
BHANGAGARH
GHY-5
BEING REP. BY ITS MANAGING DIRECTOR (I/C)
SRI RAJENDRA DAS

6:RAJENDRA DAS
S/O LT. RAMBACHAN DAS
R/O SRIMANTAPUR PATH
BHANGAGARH
GHY-32
P.S. BHANGAGARH
DIST- KAMRUP METRO
ASSA

For the petitioner (s) : Mr. A.B. T. Hoque, Advocate

For the respondent (s) : Mr. B. D. Goswami, Advocate
Mr. P. Hazarika, Advocate
Mr. G. Bordoloi, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

13.10.2023

The instant writ petition has been filed by the petitioners challenging the order dated 01.08.2017 issued by the Superintendent of Police, Bureau of Investigation (EO), Assam directing the Managing Director of the Union Cooperative Bank Limited to remove the term 'Bank' from the nomenclature.

2. This Court finds it relevant to take note of that the said order has not been put to challenge by the Union Cooperative Bank Limited who is the respondent No.5 in the instant writ petition. However, challenge to the

said order is being made by the Managers Association of the Union Cooperative Bank Limited as well as its General Secretary. This Court further finds it relevant to take note of that admittedly the licence which was issued to the respondent No.5 has been cancelled by the Reserve Bank of India vide an order dated 08.09.2005. It is also an admitted fact that pursuant to that, the said respondent No.5 is yet to be issued any licence as required under the Banking Act of Regulation, 1949. This Court has also perused the impugned order dated 01.08.2017 and a perusal thereof shows that this Court in its order dated 01.09.2016 in PIL No.33/2010; WP(C) No.2379/2014 and WP(C) No.4368/2006 had passed appropriate order to remove the term 'Bank' from the nomenclature of the respondent No.5 if it still exists. It also came to the notice of the Superintendent of Police, Bureau of Investigation (EO), Assam that in the round 6 meeting of the State Level Coordination Committee on regulation of activities of non-banking financial Companies and unincorporated bodies held on 20.07.2017, the respondent No.5 was using the term 'Bank' despite the fact that the Reserve Bank of India had cancelled the banking licence way back in the year 2005. In that regard, the impugned communication was issued directing the Managing Director of the respondent No.5 not to use the term 'Bank'.

3. The petitioners herein have challenged the said order and sought for a writ in the nature of certiorari for quashing of the impugned order dated 01.08.2017. It is well settled principle of law that a party is not entitled for a writ of certiorari which is a high prerogative writ merely on an asking.

4. This Court further takes note of that the respondent No.5 who is otherwise affected and/or who has been directed to remove the term

'Bank' from its name has also not challenged the impugned order dated 01.08.2017.

5. Taking into account the above, this Court finds no reason to interfere with the order dated 01.08.2017 for which the instant writ petition stands dismissed.

6. This Court however makes it clear that by the instant order, this Court has not decided on the right of the respondent No.5 to challenge the impugned order.

7. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant