

GAHC010201062021



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

**Case No. : WP(C)/6295/2021**

JAKIR HUSSAIN LASKAR AND 5 ORS  
S/O LT. NURUL HAQUE LASKAR, R/O VILL-CHESRI, P.O. AND P.S.-  
BORKHOLA, CACHAR (ASSAM), PIN-788110

2: NUR ABDIN MAZARBHUIYA  
S/O LT. HURMAT ALI MAZARBHUIYA  
R/O VILL-BORKHOLA PART-II  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

3: REJAMAT ALI BARBHUIYA  
S/O LT. KALA RAJA BARBHUIYA  
R/O VILL-BIJOYPUR  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

4: ARGADINI ROY  
D/O KHETRAMONI ROY  
R/O VILL-CHESRI  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

5: FOKAR UDDIN LASKAR  
S/O LT. MATASIN ALI LASKAR  
R/O VILL-CHESRI  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

6: SIDDEKUR RAHMAN BARBHUIYA  
S/O HARUN RASHID BARBHUIYA

R/O VILL-UJANGRAM  
P.O.- BARJATRAPUR  
P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-78811

VERSUS

THE DEPUTY COMMISSIONER, CACHAR AND 11 ORS  
SILCHAR, IN THE DIST OF CACHAR (ASSAM), PIN-788001

2:THE REGISTRAR  
CO-OPERATIVE SOCIETIES  
KHANAPARA  
GUWAHATI  
KAMRUP(M)  
ASSAM  
PIN-781023

3:THE ASSISTANT REGISTRAR  
CO-OPERATIVE SOCIETIES  
CACHAR  
SILCHAR  
IN THE DIST OF CACHAR (ASSAM)  
PIN-788001

4:THE RETURNING OFFICER  
(TILAK KUMAR NANDY)  
JATINGA CO-OPERATIVE SOCIETY LTD.  
BORKHOLA  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

5:JATINGA CO-OPERATIVE SOCIETY LTD.  
BORKHOLA  
REPRESENTED BY ITS SECRETARY (AD-HOC)  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

6:MASUK AHMED LASKAR  
S/O LT. IMDADUR RAHMAN LASKAR  
R/O VILL-BORKHOLA PART-I  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

7:KAMRUL ISLAM LASKAR  
S/O LT. TAJOMUL ALI LASKAR  
R/O VILL-BORKHOLA PART-II  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

8:ISLAM UDDIN LASKAR  
S/O HAJI MONUHOR ALI LASKAR  
R/O VILL-CHESRI  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

9:HELIM UDDIN BARBHUIYA  
S/O LT. NURUL HOQUE BARBHUIYA  
R/O VILL-UJAN NAGAR  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

10:MUSSABIR ALI BARBHUIYA  
S/O LT. MONUHOR ALI BARBHUIYA  
R/O VILL-KHASIPUR  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

11:SONDHYA ACHARJEE  
W/O RANA ACHARJEE  
R/O VILL-KHASIPUR  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-788110

12:JOTIMOI CHOUDHURY  
S/O LT. JOTISH RANJAN CHOUDHURY  
R/O VILL-BORKHOLA PART-I  
P.O. AND P.S.-BORKHOLA  
CACHAR (ASSAM)  
PIN-78811

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|---------------------|---------------------------------|
| For the Petitioners | : Mr. S.S. S. Rahman, Advocate. |
| For the Respondents | : Mr. S.K. Talukdar, Advocate.  |

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

**21.08.2023**

The instant writ petition has been filed by the Petitioners who are six in numbers seeking a mandamus upon the Respondents to allow the Petitioners to contest the election of the Board of Directors of Jatinga Cooperative Societies Ltd., Borkhola and further to direct the Respondent Authorities to accept the nominations of the Petitioners.

2. Mr. S.K.Talukdar, the learned counsel appearing on behalf of the Cooperation Department submitted that this Court vide an order dated 26.11.2021 did not stay the election process but only directed that the Respondents shall not act upon the results of the election of the said Cooperative Society and the outcome of the said election shall be subject to the outcome of the writ petition. Mr. Talukdar, the learned counsel further submitted that pursuant to that, the elections were duly held, however, the results are required to be declared which have not been done in view of the interim orders passed by this court from time to time.

3. At this stage, this Court finds it relevant to take note of the provisions of the Assam Cooperative Societies Election Rules, 2019 (in short 'the Rules of 2019') and more particularly to Rule 27 of the said

Rules wherein it is stipulated that any dispute relating to election of a Cooperative Society has to be submitted within 3 days from the date of declaration of the results before the Election Authority and the Election Authority shall make enquiry as regards the dispute on the basis of the relevant records and pass orders. This Court is of the opinion that to decide the grievances of the Petitioners so raised before this Court would require entering into disputed questions of facts. Under such circumstances, this Court is of the opinion that the interest of justice would be met by vacating the interim order thereby permitting the Respondent Authorities to declare the results and the Petitioners thereupon if so aggrieved by the results would be at liberty to approach the Election Authority in terms with Rule 27 of the said Rules of 2019.

4. It is needless to mention that upon declaration of the results, the Cooperative Society in question shall be at liberty to hold the AGM in relation to the election as per the Assam Cooperative Societies Act, 2007.

5. With the above directions and observations, the writ petition stands disposed.

**JUDGE**