

GAHC010205052018



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

Case No. : WP(C)/6373/2018

IMRAN HUSSAIN
S/O- MONGAL ALI, R/O- VILL AND P.O- NALIGAON, P.S- SARTHEBARI,
DIST- BARPETA, ASSAM, PIN- 781352

VERSUS

THE STATE OF ASSAM AND 17 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
DEPTT OF COOPERATIVE SOCIETY, DISPUR, GHY- 06

2:THE REGISTRAR OF COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI- 22

3:THE ASSTT REGISTRAR OF COOPERATIVE SOCIETIES
BARPETA
P.O AND DIST- BARPETA
ASSAM
PIN- 781301

4:THE ELECTION OFFICER TO THE ELECTION AND AGM OF DESHBAKTA
COOPERATIVE SOCIETIES LTD
P.O- NALIGAON
DIST- BARPETA
ASSAM
PIN- 781352

5:THE SECRETARY OF DESHBAKTA COOPERATIVE SOCIETY LIMITED

VILL AND P.O- NALIGAON
DIST- BARPETA

ASSAM
PIN- 781352

6:KAMAL GOSWAMI
S/O. LATE MAHENDRA GOSWAMI
VILL. AND P.O. FULBARI
NASATRA
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781302.

7:ABUL KASHEM
S/O. SAMAD
VILL. KAYAKUCHI GAON
P.O. NALIGAON
P.S. AND DIST. BARPETA
ASSAM
PIN-781352.

8:AMIR ALI
S/O. LATE HATEM ALI
VILL. PITHADI GAON
P.O. R.B. HAT
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781309.

9:AZMAT ALI
S/O. ABBAS ALI
VILL. HELOCHAR PAM
P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781352.

10:NAZESH ALI
S/O. LATE GAJIBAR RAHMAN
VILL. AND P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781352.

11:MANARANJAN MANDAL
S/O. LATE RANGLAL MANDAL

VILL. 7 NO. BLOCK
KAWAIMARI
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307.

12:JAYMATI BALA ROY
W/O. LATE ANANDA RAM ROY
VILL. ERAGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307.

13:SAYED TABIBAR RAHMAN
S/O. LATE NOOR BAHADUR
VILL. AND P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307.

14:MAYNUL HAQUE
S/O. LATE JAL MAHMUD
VILL. KAYAKUCHI GAON
P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307.

15:IMRAN HUSSAIN
S/O. AFAZ UDDIN AHMED
VILL. KAYAKUCHI GAON
P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781352.

16:AFAZ UDDIN
S/O. LATE ABDUL MAZID
VILL. AND P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781352.

17:SHAMEZ UDDIN
S/O. LATE LOKMAN ALI
VILL. KAWAIMARI 11 NO. BLOCK
P.O. NALIGAON
DIST. BARPETA
ASSAM
PIN-781352.

18:ABDUL GANI
S/O. LATE PALU BEPARI
VILL. HELOCHAR PAM
P.O. NALIGAON
DIST. BARPETA
ASSAM
PIN-781352

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : DR. B AHMED

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

15.05.2023

Heard Mr. A.R. Sikdar, learned counsel for the petitioner; Ms. Tinlung, learned counsel appearing on behalf of Mr. S.K. Talukdar, learned Standing Counsel, Cooperation Department for the respondent nos. 1 – 5. None has appeared for the respondent nos. 6 – 18 today on call.

2. The petitioner was a shareholder/member of M/s Deshbhakta Samaby Samiti Limited [‘the Society’], Naligaon, District – Barpeta, a co-operative society registered under the provisions of the Assam Co-operative Societies Act, 2007. In the year 2018, the Annual General Meeting [AGM]/Election for the Society was scheduled on 15.09.2018. As the petitioner was desirous of contesting in the Election for the Board of Directors of the Society, he submitted his nomination for the purpose of contesting the Election, scheduled on

15.09.2018. But the nomination of the petitioner was rejected by the Election Officer by an order dated 05.09.2018 declaring it to be an invalid one. As the nomination of the petitioner was declared invalid without assigning any reason by the Election Officer in his order dated 05.09.2018, the petitioner had preferred the instant writ petition with the prayer not to hold the AGM/Election of the Society on 15.09.2018 until and unless the reason for declaring the nomination of the petitioner as invalid was communicated to him or in the alternative, to allow the petitioner to participate in the AGM/Election for the Board of Directors of the Society by declaring his nomination as a valid nomination.

3. As the AGM/Election for the Board of Directors of the Society was held on 15.09.2018, the writ petition has become infructuous as hardly 4 [four] months are left for expiry of the tenure of the Board of Directors of the Society, elected in the AGM/Election on 15.09.2018. Though an interim order was passed on 14.09.2018, but the same was not extended thereafter. Any adjudication in the writ petition, at this stage, will be only academic. In the above view of the matter, the writ petition stands closed, as infructuous. Liberty stands reserved to the petitioner to avail appropriate remedy in the event of any subsequent cause of action.

JUDGE

Comparing Assistant