

GAHC010033552024



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

Case No. : I.A.(Civil)/476/2024

ON THE DEATH OF LATE ANIL DAS, EARLIER SECRETARY OF DIBRU PART
1 MEEN SAMABAI SAMITI LTD AND ANR.
DIBRU PART-I MEEN SAMABAI SAMITI LTD. RESIDENT OF GUIJAN, P.O.
RANGAGORAH, P.S. TINSUKIA
DIST. TINSUKIA, ASSAM AND IS REPRESENTED BY ITS SECRETARY SRI
BIJAY MALLAH, S/O NANTUN MALLAH, HILIKHA GHAT, P.O. BORHAPJAN,
DOOMDOOMA, HILIKHA T.E., 265 WL, P.O. RANGAGORAH, P.S. TINSUKIA
DIST. TINSUKIA, ASSAM

2: SRI BIJAY MALLAH

S/O NANTUN MALLAH
HILIKHA GHAT
P.O. BORHAPJAN
DOOMDOOMA
HILIKHA T.E.
265 WL
P.O. RANGAGORAH
P.S. TINSUKIA DIST. TINSUKIA
ASSA

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, FISHERIES
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FISHERIES DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

REVENUE DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE ADDITIONAL SECRETARY
TO THE GOVT. OF ASSAM
FISHERIES DEPARTMENT
DISPUR
GUWAHATI-6
KAMRUP (M)
ASSAM

5:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
FISHERIES DEPARTMENT
DISPUR
GUWAHATI-6
KAMRUP (M)
ASSAM

6:THE DEPUTY COMMISSIONER
TINSUKIA
DIST. TINSUKIA
ASSAM

7:THE ADDITIONAL DEPUTY COMMISSIONER
I/C SADIYA SUB-DIVISION
DIST. TINSUKIA
ASSAM

8:THE DISTRICT FISHERY DEVELOPMENT OFFICER
TINSUKIA
DIST. TINSUKIA
ASSAM

9:M/S DIBRU-DANGORI PART-I MEEN SAMABAY SAMITY LTD.
REP. BY ITS SECRETARY
SRI BIKASH DAS
S/O LATE SACHINDRA MOHAN DAS
R/O DIGHALTARANG
TINSUKIA-786151
DIST. TINSUKIA
ASSA

Advocate for the Petitioner : MR J I BARBHUIYA

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 20-02-2024

Heard Mr. L. Mohan, learned counsel for the applicants; Ms. S. Baruah, learned Junior Government Advocate, Assam for the opposite party nos. 1, 2, 4, 5, 6, 7 & 8; Ms. G. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department for the opposite party no. 3; and Mr. D.J. Haloi, learned counsel for the opposite party no. 9.

2. The connected writ petition, W.P.[C] no. 737/2022 had been preferred by M/s Dibru Part-I Meen Samabai Samiti Ltd. as the petitioner no. 1, that is, the applicant no. 1 herein and one Anil Das as the petitioner no. 2. The petitioner no. 1, M/s Dibru Part-I Meen Samabai Samiti Ltd. [‘the petitioner no. 1 society’, for short] is a registered fishery cooperative society. At the time of preferring the writ petition, the petitioner no. 1 society was represented by Anil Das, who, at that time, was the secretary of the petitioner no. 1 society. It is averred that during the pendency of the writ petition, W.P.[C] no. 737/2022, Anil Das who was also the petitioner no. 2 therein and also represented the petitioner no. 1 society, expired on 26.01.2024. Pursuant to demise of Anil Das, the applicant-petitioner no. 1 society in a meeting held on 01.02.2024, passed a resolution to appoint Sri Bijay Mallah as the secretary of the applicant-petitioner no. 1 society and the said resolution was approved by the Assistant Registrar of Cooperative Societies, Tinsukia on 08.02.2024.

3. By the instant interlocutory application, prayer is made to substitute the

applicant-petitioner no. 2 in the connected writ petition by Sri Bijay Mallah, the present secretary of the applicant-petitioner no. 1 society. It is also prayed that the applicant-petitioner no. 1 society may be permitted to be represented by Sri Bijay Mallah in his present capacity of the secretary of the applicant-petitioner no. 1 society.

4. The learned counsel for the opposite parties have submitted that they have no objection to the said prayers. As the applicant-petitioner no. 1 society is sought to be represented by the present secretary of the said society, the prayer for substitution is allowed. As the petitioner no. 2 in the connected writ petition, preferred the writ petition in his capacity as the then secretary of the applicant-petitioner no. 1 society and because of his demise, the said petitioner no. 2 is sought to be represented by the present secretary of the society, that is, the applicant no. 2 herein, the said prayer is also allowed.

5. The learned counsel applicants-writ petitioners shall submit an amended Cause-Title in terms of the Notification no. 79 dated 19.06.2023 within 3 [three] working days and on submission of the amended Cause-Title, the Registry to carry out the necessary corrections in the connected writ petition as well as in the CIS. The interlocutory application stands allowed to the extent indicated above.

JUDGE

Comparing Assistant