

GAHC010039872024



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

Case No. : WP(C)/1120/2024

MD. RAFIQUUL ISLAM
S/O TASHOUR UDDIN AHMED, R/O VILL- RAMPUR SATRA, P.O.-
KADUMONI, P.S.-BATADRABA SATRA, DIST-NAGAON, ASSAM,
REPRESENTING BATADRABA SATRA S.S. LTD., NAGAON, ASSAM AS
CHAIRMAN

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
COOPERATION DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-781022

3:THE DEPUTY COMMISSIONER
NAGAON
ASSAM

4:THE DISTRICT DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
NAGAON
ASSAM

5:THE I/C ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
NAGAON
ASSAM

Advocate for the Petitioner : MR. S HAZARIKA

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 28-02-2024

Heard Mr. S. Hazarika, learned counsel for the petitioner and Mr. S.K. Talukdar, learned Standing Counsel, Co-operation Department for the respondent nos. 1, 2, 4 & 5; and Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent no. 3.

2. The petitioner is a Chairman of the Board of Directors of M/s Batadraba Satra S.S. Limited, Nagaon [‘the Society’, for short], a co-operative society registered under the provisions of the Assam Co-operative Societies Act, 2007. The petitioner has approached this Court by the instant writ petition after the Annual General Meeting [AGM]/Election to the Board of Directors of the Society scheduled on 11.02.2024, stood adjourned purportedly due to lack of quorum on that day. As the term of the Board of Directors of the Society is going to be over on 10.03.2024, the petitioner has submitted a representation before the Registrar of Co-operative Societies, Assam on 02.02.2024 with a request to allow the Board of Directors of the Society to hold the AGM/Election on or before expiry of the term of the present Board on 10.03.2024.

3. In the course of deliberation, Mr. Hazarika, learned counsel for the petitioner has submitted that a hearing in respect of the said representation has been fixed on 01.03.2024 next.

4. Mr. Talukdar, learned Standing Counsel, Co-operation Department has submitted that since a hearing has already been fixed on 01.03.2024, the writ petition can be disposed of with a direction to the respondent no. 2, that is, the Registrar of Co-operative Societies, Assam to decide the matter of allowing the Board of Directors of the Society to hold the AGM/Election after conducting the hearing on 01.03.2024.

5. Mr. Hazarika, learned counsel for the petitioners has agreed to the submission made by Mr. Talukdar, learned Standing Counsel, Cooperation Department.

6. In view of the above fact situation obtaining in the case, as stated above and considering the fact that a hearing has already been fixed on 01.03.2024 before the respondent no. 2 as regards the representation submitted by the petitioner before him on 02.02.2023, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent no. 2 to pass a speaking order after due consideration to the representation and in accordance with the provisions of the Assam Co-operative Societies Act, 2007. It is accordingly ordered.

7. This order disposes of the writ petition.

JUDGE

Comparing Assistant