

GAHC010048562024



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

Case No. : WP(C)/1410/2024

MINTU KR. NATH
S/O- LATE BIKUDER NATH, R/O- VILL.- MIKIRGAON, P.O. PATUA KATA, P.S.
MIKIRBHETA, DIST. MORIGAON, ASSAM

VERSUS

MORIGAON BAR ASSOCIATION AND 3 ORS
REPRESENTED BY ITS PRESIDENT, OFFICE AT DISTRICT AND SESSIONS
JUDGE COURT COMPLEX, MORIGAON, ASSAM-782105.

2:POBITRA KUMAR BORAH
SECRETARY TO THE MORIGAON BAR ASSOCIATION
OFFICE AT DISTRICT AND SESSIONS JUDGE COURT COMPLEX
MORIGAON
ASSAM-782105.

3:HARENDRA NATH BORAH
RETURNING OFFICER OF THE MORIGAON BAR ASSOCIATION ELECTION
FOR THE SESSION 2024-2026
THROUGH THE MORIGAON BAR ASSOCIATION
OFFICE AT DISTRICT AND SESSIONS JUDGE COURT COMPLEX
MORIGAON
ASSAM-782105.

4:HIMANGSHU SHAH
OFFICE BEARER
MORIGAON BAR ASSOCIATION
OFFICE AT DISTRICT AND SESSIONS JUDGE COURT COMPLEX
MORIGAON
ASSAM-782105

Advocate for the Petitioner : MR S DAS
Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

13-03-2024

Heard Shri S. Das, learned counsel for the petitioner.

The grievance sought to be raised in this petition structured under Article 226 of the Constitution of India is with regard to the action of the Returning Officer of the Morigaon Bar Association in dismissing the appeal of the petitioner and proceedings to hold the elections. In fact, the elections were held on 24.01.2024 and results have been declared including the post of the Secretary in which post the petitioner had expressed his interest to contest.

Even without going into the merits of the dispute, this Court is of the opinion that the powers exercised by this Court under Article 226 is an extra-ordinary power whereby prerogative writs can be issued and private disputes of the present nature cannot be raised or is entertainable by a writ court. This Court has also been informed that the Morigaon Bar Association is not a registered association. In any case, registration of a private association itself would not make it amenable to the writ jurisdiction of this Court.

Accordingly, the instant writ petition is held to be not maintainable and dismissed.

The petitioner however is at liberty to approach the appropriate forum for redressal of his grievance in accordance with law.

JUDGE

Comparing Assistant