

GAHC010125692017



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

Case No. : WP(C)/1885/2017

NURUL ISLAM
S/O LT. ABDUL KHALIQUE EX-CHAIRMAN, NILBAGAN CO-OPERATIVE
SOCIETY LIMITED, R/O VILL- MUBARAK BASTI, P.O. NILBAGAN P.S.
MURAJHAR DIST. HOJAI, ASSAM PIN - 782445

VERSUS

THE STATE OF ASSAM and 4 ORS.
THROUGH THE SECRETARY, TO THE GOVT. OF ASSAM, CO-OPERATIVE
DEPARTMENT, DISPUR, GUWAHATI -781006

2:THE REGISTRAR OF CO -OPERATIVE SOCIETIES

ASSAM
KHANAPARA
GUWAHATI -22

3:THE DEPUTY REGISTRAR

CO-OPERATIVE SOCIETIES
ASSAM
P.O. and DIST. NAGAON
ASSAM

4:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES

HOJAI
P.O. and DIST. HOJAI

ASSAM

5:THE SECRETARY

NILBAGAN CO-OPERATIVE SOCIETIES LIMITED
VILL and P.O. NILBAGAN P.S. MURAJHAR DIST. HOJAI
ASSAM PIN - 78244

Advocate for the Petitioner : MR. S BISWAS, MR. H A TALUKDAR, MR. I HUSSAIN, MR. L R MAZUMDER

Advocate for the Respondent : GA, ASSAM, SC, CO-OPERATIVE DEPTT.

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

31.07.2024

1. Heard Mr. LR Mazumder, learned counsel for the petitioner. Also heard Mr. MD Bora, learned standing counsel for the Co-operative Department.
2. The petitioner is aggrieved by an order dated 27.02.2017 passed by the Assistant Registrar of Co-operative Societies, Hojai by which the penalty of Rs. 5,000/- was imposed on the petitioner for alleged act of making certain illegal changes in the membership register of Nilbagan GPSS limited by including the name of one Md. Nurul Hoque in place of Elais Banu. It is the case of the petitioner that before passing the order imposing the penalty, the petitioner was not given any opportunity of hearing and that the petitioner had not made any change in the membership register as alleged in the order dated 27.02.2017. In the aforesaid factual backdrop, this court under its order dated 29.03.2017 stayed the aforesaid order dated 27.02.2017.
3. This court under its order dated 15.07.2024 sought instruction from the learned standing counsel. Ms. Bora, learned standing counsel on instruction submits that pursuant to the interim order, no recovery was made and the Board concerned who imposed such penalty in the meantime has been changed and she has instruction to submit that the present board is not insisting upon imposing of penalty.
4. In view of such submission, the impugned order dated 27.02.2017 stands set

aside and the writ petition stands closed.

JUDGE

Comparing Assistant