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

Case No. : WP(C)/6134/2024

MUKTAR ALI
S/O- LATE MAMIR ALI, R/O- VILL.- BANAKUCHI, P.O. SONKUCHI, P.S. AND
DIST. BARPETA, ASSAM, PIN- 781314.

VERSUS

THE STATE OF ASSAM AND 16 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, CO-OPERATIVE SOCIETIES, GUWAHATI-781006.

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781022.

3:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
BARPETA
P.O.
P.S. AND DIST. BARPETA
ASSAM
PIN- 781301.

4:THE SECRETARY OF DAKSHIN GHILAJARUI SAMABAI SAMITTEE
P.O. DHABALIPARA
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

5:THE PRESIDENT OF DAKSHIN GHILAJARUI SAMABAI SAMITTEE
P.O. DHABALIPARA
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

6:THE VICE-PRESIDENT OF DAKSHIN GHILAJARUI SAMABAI SAMITTEE
P.O. DHABALIPARA
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

7:HAFIJUR RAHMAN
S/O- LATE MD. BAREK
R/O- VILL.- DHABALIAPARA
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

8:HASIBOR RAHMAN
R/O- VILL.- DHABALIAPARA
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

9:MIZANUR RAHMAN
R/O- VILL.- DHABALIAPARA
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

10:ASARUDDIN AHMED
R/O- VILL.- DHABALIAPARA
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

11:ABDUL JALIL

S/O- LATE HANIF ALI
R/O- VILL.- DHABALIAPARA
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

12: BABUL HUSSAIN
VILL.- JOGIRPAM
P.O. DHABALIAPARA
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

13: NUR ALOM
R/O- VILL.- DUTTAKUCHI
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

14: KASHEM SIKDAR
S/O- HABEJ UDDIN HAZI
VILL.- BAHMURA
P.O. SONKUCHI
P.S. AND DIST. BARPETA
ASSAM
PIN- 781314.

15: SOMIR SARKAR
VILL.- BAHMURA
P.O. SONKUCHI
P.S. AND DIST. BARPETA
ASSAM
PIN- 781314.

16: SUKUR KHAN
S/O- KAMALUDDIN
R/O- VILL.- DHABALIAPARA
P.O. DHABALIAPARA
PS. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

17:DELUWARA BEGUM
W/O- MOZIBOR RAHMAN
VILL.- JOGIRPAM
P.O. DHABALIAPARA
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316

Advocate for the Petitioner : MD. S Z B AKLAS,

Advocate for the Respondent : SC, CO OP,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 25.11.2024

- 1)** Heard Mr. M. A. Sheikh, learned counsel for the petitioner. Also heard Ms. M. D. Bora, learned Standing counsel, Co-Operation Department appears for the respondents.
- 2)** This writ petition is directed against the respondents for particularly respondent No.2 seeking a direction to dispose of the statutory appeal filed by the petitioner under the Assam Co-Operative Societies Act, 2007.
- 3)** The petitioner claims to be the elected President of Dakshin Ghilajari Samabai Samittee Ltd. for a term of 5 years, which was to be completed within a month of March, 2020. However, a meeting was convened by Secretary of the Samittee on 01.07.2024 and presided by the Vice-President of this Samittee whereby various allegations were brought against the petitioner and decided to brought a no confidence resolution.
- 4)** Subsequently, several directions were issued pursuant to the meeting held on 01.07.2024. The petitioner being aggrieved and filed an appeal before the

respondent No.2.

5) The appeal was preferred on 11.09.2024.

6) According to the petitioner, the said appeal has not been disposed of by the respondents his limited prayer is seeking a direction to the respondent No.2 to dispose of the said appeal filed by the petitioner.

7) Ms. M. D. Bora, learned Standing counsel Co-Operation Department submits that the appeal if any is required to be filed within the limitation period prescribed under Section 36(5).

8) Be that as it may, since the limited prayer of the writ petitioner is a direction to respondent No.2 to dispose of the appeal, the writ petition is disposed of with a direction to respondent No.2 to expeditiously consider and pass appropriate order on the appeal stated to have been filed by the petitioner as per provision of law.

9) If in the meantime any order was passed in the said appeal, the same should be communicated to the petitioner.

10) The exercise be completed within a period of 30 days from the date of receipt of the certified copy of this order be furnished by the writ petitioner before the respondent No.2.

11) The writ petition stands disposed of.

JUDGE

Comparing Assistant