

GAHC010277572023



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

**Case No. : I.A.(Civil)/3651/2023**

SOBUR UDDIN,  
S/O LATE ABU BAKKAR SIDDIK, R/O VILL-KACHUMARA NC, P.O.-  
KACHUMARA, P.S.-KACHUMARA, DIST- BARPETA, ASSAM, PIN-781127

VERSUS

NABIR HUSSAIN AND 6 ORS.  
S/O MAJIBOR RAHMAN MULLAH, R/O VILL- KACHUMARA NC, P.O.-  
KACHUMARA, P.S.-KACHUMARA, DIST- BARPETA, ASSAM, PIN-781127

2:SAHER ALI  
S/O AZAD ALI  
R/O VILL-MOHSORA NONCHOWK  
P.O.-KACHUMARA  
P.S.-KACHUMARA  
DIST- BARPETA  
ASSAM  
PIN-781127

3:AZAHAR ALI  
S/O HARAT ALI MANDAL  
R/O VILL-KACHUMARA NONCHOWK  
P.O.-KACHUMARA  
P.S.-KACHUMARA  
DIST- BARPETA  
ASSAM  
PIN-781127

4:SORMAN ALI  
S/O LATE SIDDIK ALI  
R/O VILL-KACHUMARA NC  
P.O.-KACHUMARA

P.S.-KACHUMARA  
DIST- BARPETA  
ASSAM  
PIN-781127

5:ABDUR RASHID  
S/O AKBAR ALI  
R/O MOHSORA CHOWK  
P.O.-KACHUMARA  
P.S.-KACHUMARA  
DIST- BARPETA  
ASSAM  
PIN-781127

6:SAMAR DAS  
S/O LATE SACHINDRA DAS  
R/O VILL- SIJUPARA (HARIDUBA)  
P.O.-NAGARBERA  
P.O.-NAGARBERA  
DIST-KAMRUP(M)  
ASSAM  
PIN-781127

7:JEHIRUL ISLAM  
S/O MD. MUTALEB  
R/O VILL-MOHSORA CHOWK  
P.O.-KACHUMARA  
P.S.-KACHUMARA  
DIST- BARPETA  
ASSAM  
PIN-78112

**Advocate for the Petitioner : MD A ALI**

**Advocate for the Respondent : SC, CO OP**

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 05-01-2024**

Heard Mr. A.R. Sikdar, learned counsel for the applicant; Ms. S. Banik, learned counsel for the opposite party nos. 1 – 7/writ petitioners and Mr. S.K.

Talukdar, learned Standing Counsel, Cooperation Department for the State respondents.

2. The opposite party nos. 1- 7 /writ petitioners have preferred the connected writ petition, W.P.[C] no. 4099/2023 assailing legality and validity of an Order dated 04.07.2023 passed by the Registrar of Co-operative Societies, Assam. The Order dated 04.07.2023 was passed in connection with Annual General Meeting/Election to the Board of Directors of M/s Dakshin Baguribari Samabay Samity Ltd., a cooperative society registered under the provisions of the Assam Cooperative Societies Act, 2007. It transpires that the Registrar of Co-operative Societies, Assam in the Order dated 04.07.2023 had found 4 [four] of the elected members to the Board of Directors of the Society to be ineligible to file nominations for Election. After holding that the 4 [four] of the elected members were ineligible, the Registrar of Co-operative Societies cancelled the approval granted to the proceedings of AGM/Election given by the Assistant Registrar of Co-operative Societies. The writ petition has been preferred by the 7 [seven] nos. of the writ petitioners on the premise that Registrar of Co-operative Societies, Assam after holding those 4 [four] of the elected members to the Board of Directors of the Society as ineligible, could not have declared that the other 11 [eleven] elected members in respect of whom no finding regarding their ineligibility was recorded, would not continue in the Board of Directors of the Society and thereby, could not have dissolved the Board of Directors of the Society.

3. The instant interlocutory application has been preferred by the applicant seeking his impleadment as a party-respondent in the connected writ petition,

W.P.[C] no. 4099/2023. The applicant has averred that he was one of the 11 [eleven] Directors in the Board of Directors of the Society whose eligibility was not doubted by the Registrar of Co-operative Societies.

4. Mr. Sikdar, learned counsel for the applicant has thus, contended that the presence of the applicant as a party-respondent in the connected writ petition is necessary as he is in a position to assist the Court for effective adjudication of all the issues raised in the writ petition.

5. Mr. Banik and Mr. Talukdar have both contended that the averments in the instant interlocutory application do not go to disclose as to how the applicant is likely to be affected by the outcome in the connected writ petition. The applicant has not made any independent challenge to the Order dated 04.07.2023. They have contended that the applicant has only averred that he would like to bring some relevant facts before the Court as regards the election to the Board of Directors of the Society and as such, the applicant on the basis of such averments cannot be impleaded as a party-respondent in the connected writ petition.

6. In response, Mr. Sikdar, learned counsel for the applicant has submitted that even the contentions advanced on behalf of Mr. Banik and Mr. Talukdar are found to be correct, the applicant being one of the 11 [eleven] elected Directors to the Board of Directors of the Society, has substantial interest in the outcome of the connected writ petition. He has, thus, submitted that the applicant is agreeable if the applicant is impleaded as an intervener in the connected writ petition.

7. It is settled that as an intervener, a party is entitled to address arguments in support of one or the other side. The intervener himself is not entitled to relief in the intervention application. The only purpose of granting an intervention application is to address arguments in support of one or the other side.

8. Having considered of the above fact situation and the law governing the right of intervener as well as the averments made in the instant interlocutory application, the instant interlocutory application is allowed to the extent that the applicant herein, at best, can be impleaded as an intervener in the connected writ petition. The instant interlocutory application stands accordingly allowed to the extent indicated. The office to cause necessary correction in the Cause-Title of the connected writ petition on filing of an amended Cause-title in terms of the Notification no. 79 dated 19.06.2023 by the applicant on or before 09.01.2024.

**JUDGE**

**Comparing Assistant**