

GAHC010242082024



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

Case No. : WP(C)/7336/2023

LOKMAN HUSSAIN
S/O- LATE HABIL UDDIN

VILL- CHASRA NO. 1

P.O.- SATRAKONARA

P.S.- BAGBHAR

DIST.- BARPETA
ASSAM

PIN- 781308.

VERSUS

THE STATE OF ASSAM AND 14 ORS
REPRESENTED BY THE CHIEF SECRETARY

GOVT. OF ASSAM

DISPUR
GHY-06.

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
COOPERATION DEPARTMENT
DISPUR
GHY-06.

3:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM

KHANAPARA
GHY-22.

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

5:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
BARPETA
ASSAM.

6:THE PACHIM MANDIA SS LTD.
DIST. BARPETA
REPRESENTED BY SRI. DEBOJIT NATH

ONE MAN COMMITTEE

PACHIM MANDIA SS LTD.

DIST. -BARPETA.

7:MINHAJ UDDIN
S/O- LT. ABDUL GAN

VILL- SATRAKONARA SEAT NO. 6

P.O.- SATRAKONARA

P.S.- BAGBHAR

DIST.- BARPETA
ASSAM.

8:AYNAL HOQUE
S/O- LT. AKBER ALI

VILL. SATRAKONARA SEAT NO. 6

P.O.- SATRAKONARA

P.S.- BAGBHAR

DIST.- BARPETA
ASSAM.

9:ANOWAR HOSSEN
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

10:AKKAS ALI
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

11:A. AZIZ
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

12:JORAN ALI
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

13:SHAZAHAN ALI
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

14:NURUL ISLAM
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

15:JAHUR UDDIN
EX MEMBERS BOARD OF DIRECTORS OF PACHIM MANDIA SS LTD.
C/O- SRI. DEBOJIT NATH

ONE MAN COMMITTEE
PACHIM MANDIA SS LTD.
DIST.- BARPETA.

For the Petitioner(s) : Mr. M.U. Mondal, Advocate

For the Respondent(s) : Ms. M.D. Borah for respondent Nos. 2 to 5
Mr. J.M.A. Choudhury for respondent Nos. 16
to 25

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 25.11.2024

Heard Mr. M.U. Mondal, the learned counsel appearing on behalf of the petitioner. Ms. M.D. Borah the learned Standing Counsel, Cooperation Department appears on behalf of the respondent Nos. 2 to 5 and Mr. J.M.A. Choudhury appears on behalf of the newly respondent Nos. 16 to 25.

2. The instant writ petition has been filed assailing the order dated 14.11.2023 passed by the Registrar of Cooperative Society where by the Registrar of Cooperative Society held that since the Board of Directors of the Society was dissolved, the Officer on Management of the Society was asked to appoint a new Secretary of the Society temporarily in place of the petitioner who was suspended and to hold the Annual General Meeting/Election of the Pachim Mandia SS Ltd. as soon as possible. It was also observed that as regards the appointment of a permanent Secretary of Pachim Mandia SS Ltd., the next Board of Directors would take decision on the matter as per the Assam

Cooperative Societies Act, 2007 (for short 'the Act of 2007') and the prescribed byelaws of the Society.

3. It is seen from the materials on record including the Interlocutory Application being I.A. (Civil) No. 3610/2024, which had been allowed today that in terms with the provisions of the Act of 2007, the respondent Nos. 16 to 25 have been newly elected as the Board of Directors of the Pachim Mandia SS Ltd.

4. This Court has also taken note of the provisions of Section 38(2) of the Act of 2007, whereby the Board has been empowered to nominate, elect or appoint and remove the Chief Executive provided, he is not a Government appointee. Thus, the services of the Chief Executive other than a Government appointee is at the pleasure of the Board.

5. In view of the power being conferred upon the Board of Directors, the Board can very well adopt appropriate resolution to nominate, elect or appoint any person in terms with the Act of 2007 as its Chief Executive.

6. Considering the above, that during the pendency of the instant writ petition, a new Board has already been constituted and the respondent Nos. 16 to 25 have been elected as the Board of Directors, this Court is of the opinion that nothing further survives in the instant writ petition. Accordingly, the instant writ petition stands dismissed. The new Board would be at liberty to exercise such powers as envisaged in Section 38(2) of the Act of 2007.

7. Interim order passed earlier shall remain vacated.

JUDGE

Comparing Assistant