

GAHC010293602023



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

Case No. : I.A.(Civil)/8/2024

SAURAV DAS,
AGED ABOUT-31 YEARS, SON OF LATE SAMIRAN DAS, RESIDENT OF
VILLAGE- TENGARGOOL, POST OFFICE- CHAMELA BAZAR, POLICE
STATION- RAMKRISHNANAGAR, DISTRICT- KARIMGANJ, ASSAM, PIN-
788166.

VERSUS

HARIPADA DAS AND 5 ORS.
C/O SHASHIBHUSHAN DAS, R/O VILL-SATIRSANAGAR, P.O.-ANIL NAGAR,
V.T.C., NIZNABIN, P.S.-RAM KRISHNA NAGAR, DIST-KARIMGANJ, ASSAM,
PIN-788156

2:THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
CO-OPERATION DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE REGISTRAR OF CO-OPERTAIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-22

4:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
KARIMGANJ
ASSAM

5:THE RETURNING OFFICER
GANDHIRAM CO-OPEARTIVE SOCIETY LIMITED
P.O.-NETAJI NAGAR

DIST-KARIMGANJ
ASSAM
PIN-788166

6:MD. AKLAS UDDIN
S/O ARMAN ALI
R/O VILL-DARGARBOND
V.T.C. DALOO PART-II
P.O.-MUKTARANPUR
DIST-KARIMGANJ
ASSAM
PIN-78815

Advocate for the Petitioner : MR. D HUSSAIN

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 05.04.2024

Heard Mr. N.A. Mazarbhuiya, learned counsel for the applicant, Ms. N. Begum, learned counsel appearing on behalf of Mr. S. Banik, learned counsel for the opposite party no.1/ writ petitioner and Mr. S.K. Talukdar, learned standing counsel for the Cooperation Department.

2. This interlocutory application has been filed on 22.12.2023 for vacating of the impugned order 07.06.2023 passed by this Court in WP(C) 2817/2023.
3. The learned counsel for the opposite party no.1 has opposed the prayer for vacating on the ground that matter was listed for the first time today.
4. The provisions of Article 226(3) of the Constitution of India is quoted below:

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

- (a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and*
- (b) giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.*

5. From the above, it appears that the mandate of the Constitution is that if the application is not disposed of within a period of 2(two) weeks from the date of which it is received, the interim order would stand vacated from the expiry of the two weeks period.

6. Therefore, by operation of law, in view of the provisions of Article 226(3) of the Constitution of India, the interim order dated 07.06.2023 passed in WP(C) 2817/2023 stands vacated.

7. Nonetheless, in view of nature of challenge made in the connected writ petition, the election of the Managing Committee of Gandhigram Co-operative Society Ltd. held on 10.05.2023 shall be subject to outcome of the connected writ petition.

8. This I.A. stands allowed, subject to condition mentioned hereinbefore.

JUDGE

Comparing Assistant