GAHC010205582026

2026:GAU-AS:16237-DB

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

Case No. : WA/356/2026

SRI ABID RAJA LASKAR AND ORS.
SON OF LATE BINOD RAJA LASKAR
RESIDENT OF VILLAGE GOSSAIPUR PART III, PO UDHARBOND, DISTRICT CACHAR, ASSAM

2: NASIR UDDIN MAZARBHUIYA
S/O LATE KUTIMIYA MAZARBHUIYA
RESIDENT OF VILLAGE GOSSAIPUR PART III
P.O. UDHARBOND
DISTRICT CACHAR
ASSAM.

3: AKHTAR UDDIN LASKAR
S/O LATE AYUB ALI LASKAR
RESIDENT OF VILLAGE GOSSAIPUR PART III
P.O. UDHARBOND
DISTRICT CACHAR
ASSAM.

4: ABU BAKKAR BARBHUIYA
S/O LATE RAJA MIYA BARBHUIYA
RESIDENT OF VILLAGE- GOSSAIPUR PART III
P.O. UDHARBOND
DISTRICT- CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 18 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM COOPERATION DEPARTMENT, DISPUR, GUWAHATI 6

2:THE REGISTRAR OF COOPERATIVE SOCIETIES

ASSAM
KHANAPARA
GUWAHATI- 22.

3:THE ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES
CACHAR
SRIBHUMI AND HAILAKANDI
SILCHAR ZONE
SILCHAR
DISTRICT -CACHAR
ASSAM.

4:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
CACHAR
SILCHAR
DISTRICT- CACHAR
ASSAM.

5:THE RONGPUR COOPERATIVE SOCIETY LTD.

REPRESENTED BY ITS SECRETARY
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST.- CACHAR
ASSAM
PIN- 788030.

6:RAM JANOM CHOUHAN
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

7:KHAIR UDDIN LASKAR
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

8:FAZAL AHMED LASKAR

MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

9:SHAMIM HUSSAIN LASKAR
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

10:JABED AKTAR LASKAR
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

11:MAHTAB HUSSAIN BARBHUIYA
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

12:ANSAR ALI KHAN
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

13:KAMAL UDDIN CHOUDHURY
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

14:KHASRUL AHMED BARBHUIYA
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

15:BAHAR UDDIN BARBHUIYA
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

16:IHTESAB AHMED LASKAR
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

17:HAMIDUL ISLAM BARBHUIYA
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR

ASSAM
PIN- 788030.

18:LUCKY BEGUM
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030.

19:ANGURA BEGUM BARLASKAR
MEMBERS
BOARD OF DIRECTORS
RONGPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND
DIST. CACHAR
ASSAM
PIN- 788030

BEFORE

HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

For the petitioner : Mr. P.K. Roy Choudhury, Sr. Adv.
: Mr. A.K. Azad.
For respondents : Mr. S.K. Talukdar
: Mr. M.U. Mahmud.
: Mr. B. Sinha.

Date on which judgment is reserved : 05.10.2026

Date of pronouncement of judgment : 05.11.2026

Whether the pronouncement is of the operative part of the judgment? : No

Whether the full judgment has been Pronounced? : Yes

JUDGMENT AND ORDER

(*CAV*)

(K.R. Surana, J.)

Heard Mr. P.K. Roy Choudhury, learned senior counsel, assisted by Mr. A.K. Azad, learned counsel for the appellants. Also heard Mr. S.K. Talukdar, learned standing counsel for the Cooperation Department, representing respondent nos. 1 to 4; Mr. M.U. Mahmud, learned counsel for the respondent nos.5 and 6; and Mr. B. Sinha, learned counsel for respondent nos. 8 to 12, 14 to 16, 18 and 19.

2) This intra-court appeal is directed against the impugned judgment and order dated 11.09.2026, passed by the learned Single Judge in W.P.(C) No. 3847/2026, filed by the appellants, thereby dismissing the writ petition.

3) The appellants are the writ petitioners in W.P.(C) No. 3847/2026. The said writ petition was filed to assail the order dated 10.07.2026, passed by the Registrar of Cooperative Societies, Assam (respondent no.2), by which the dissolution of the Managing Committee of the Rongpur Cooperative Society Limited (respondent no.5), by the Zonal Joint Registrar of Cooperative Societies (respondent no.3) was interfered with and the Managing Committee/ Board of Directors of the respondent no 5 Cooperative Society was reinstated.

4) Heard all appearing sides on the admission of the appeal.

5) The learned counsel for the respondent nos. 5 and 6 has raised a preliminary objection as to the maintainability of the present appeal on the ground that the appellants never participated in any meetings of the respondent no. 5 society and were not members of the Managing Committee/ Board of Directors of the respondent no. 5 society. Therefore, they have no locus standi

to file a writ petition, being W.P.(C) No. 3847/2026 as well as the instant writ appeal so as to assail the order dated 10.07.2026, passed by the respondent no.2.

6) Having heard the learned counsel for the respondent nos. 5 and 6 and the learned standing counsel for the Cooperation Department and the learned senior counsel for the appellants, the Court is inclined to hold the objection as to maintainability as frivolous and the plea has been raised only to cause delay. There is no provision under the Assam Cooperative Societies Act, 2007, by which it can be construed that a member of the cooperative society will not have any right to challenge any action taken by the authorities under the Cooperation Department, if they feel aggrieved or wronged, notwithstanding that they have never been an active member of the society and had never taken part of the Managing Committee/ Board of Directors. Thus, on the said ground not only the writ petition (since disposed of) but the instant writ appeal is also held to be maintainable.

7) Heard both sides also on the interim prayer for stay of (i) the operation of the impugned judgment and order dated 11.09.2026, passed by the learned Single Judge in W.P.(C) No. 3847/2026, and (ii) order dated 10.07.2026, passed by the respondent no. 2, thereby reinstating and/or restoring the dissolved Board of Directors of respondent no. 5 society; and (iii) to set aside the order dated 06.11.2023, passed by the respondent no. 3; and (iv) to restore the order dated 06.11.2023, passed by the respondent no. 3.

8) The brief facts of the case of the appellants in the writ petition is as follows:-

a. The respondent no. 5 society had convened Annual General Meeting

with election on 21.02.2023 for constitution of Managing Committee and election of Board of Directors of the said society.

b. As per resolution no. 6 of the said AGM, 15 (fifteen) numbers of Board of Directors were elected for the term of 2022-23 to 2026-27. The elected Board of Directors have been arrayed herein as respondent nos. 6 to 19. The Assistant Registrar of Cooperative Societies respondent no. 4 had approved the said resolution on 18.04.2023.

c. The respondent no. 4 reported to the respondent no. 3 that the respondent no. 5 Society had failed to hold AGM at least once in every cooperative year within a period of 6 (six) months of close of financial year, as prescribed under Section 39 of the Assam Cooperative Societies Act, 2007 (hereinafter referred to as ACS Act, 2007 for short). Accordingly, the respondent no. 3 by its order dated 06.11.2023, declared the Managing Committee/ Board of Directors to be automatically dissolved. Moreover, in exercise of power delegated under section 41(6) of the ACS Act, 2007, the respondent no. 3 had appointed one Senior Inspector Auditor of Cooperative Societies, office of the respondent no. 4 as Officer on Management to manage the affairs of the respondent no. 5 society and to hold the AGM/ Election of the said society within 90 (ninety) days and to constitute new Managing Committee/ Board of Directors as per the provisions of the ACS Act, 2007.

d. In the meanwhile, on 29.12.2025, aggrieved by the order dated 06.11.2023, an appeal under section 111 of the ACS Act, 2007 was filed by the Chairman of the respondent no. 5 society (respondent no.6). He was 1 (one) out of 15 (fifteen) members of the dissolved

Board of Directors before the respondent no.2. After hearing the respective appearing parties, the respondent no. 2, by an order dated 10.07.2026, set aside the order dated 06.11.2023, passed by the respondent no. 3 and the dissolved Board of Directors was restored.

e. The case of the appellants is that the Zonal Registrar of Cooperative Societies (respondent no.3) was acting upon its delegated power and authority and therefore, as the said authority was acting as a delegate of respondent no.2, the said respondent no. 2 could not have sat in appeal under Section 111(1) of the ACS Act, 2007 and set aside the impugned order dated 06.11.2023, but the matter had to be referred to the Government of Assam in the Cooperation Department.

9) The learned counsel for the appellants, by citing the cases of (i) *S. Krishnan v. State of Madras, AIR 1951 SC 301*, (ii) *Roop Chand v. State of Punjab, AIR 1963 SC 1503*, (iii) *Chintapalli Agency Taluk Arrack Sales Co-op. Society Ltd. v. Secretary (Food and Agriculture) Govt of A.P. & Ors., 1977 (4) SCC 337, (iv) Yogendra Prasad v. Addl. Registrar, Co-Operative Societies, Bihar & Ors., 1992 Supp (1) Supreme Court Cases 720 (v) Behari Kunj Sahkari Awas Samiti & Anr. V. State of U.P. & Ors., (1997) 7 Supreme Court Cases 37, (vi) State of Orrisa & Anr. V. Commissioner of Land Records & Settlement, Cuttak & Ors., (1998) 7 Supreme Court Cases 162, and* (vii) *Ishwar Singh v. State of Rajasthan & Ors., (2005) 2 Supreme Court Cases 334*, had submitted that the Zonal Registrar of Cooperative Societies (respondent no. 3) had exercised power and authority as a delegatee of the Registrar of Cooperative Societies, Assam and therefore, the order dated 06.11.2023, must be deemed to have been passed by the principal i.e. Registrar of Cooperative Societies, Assam (respondent no.2) and therefore, the respondent no. 2 could not have sat in

appeal against his own deemed order.

10) Per contra, the learned Standing counsel for the Cooperative Department had submitted that under the scheme of the ACS Act, 2007, there is only one empowered authority, who is the Registrar of Cooperative Societies, Assam (respondent no. 2) and all other authorities acted in accordance with delegated powers. Therefore, there is difference between appellate powers as envisaged under Section 111(1) and section 111(3) of the ACS Act, 2007. Thus, it was submitted that if the interpretation as advanced by the learned senior counsel for the appellants is accepted, it would render power exercised by all other authorities under the said ACS Act, 2007 as an act of a delegatee, and thus frustrate the provisions of the said Act and will render appeal under Section 111(1) as otiose and all appeals will have to be preferred before the Government. In support of his submissions, the learned standing counsel for the Cooperation Department had cited the following cases, viz., (i) *Roop Chand v. State of Punjab, AIR 1963 SC 1503*, (ii) *Sankar Ram And Co. v. Kasi Naicker & Ors., AIR 2003 SC 4156*, and (iii) *The Malad Cooperative Housing Society Limited & Anr. v. State of Maharashtra & Ors., W.P. No. 1927/2015, decided by Bombay High Court on 18.4.2026*.

11) The learned counsel for respondent no. 5 and 6 and the learned standing counsel for the appearing private respondents, have by and large repeated the submissions made by the learned standing counsel for the Cooperation Department.

12) Considered the submissions advanced by the learned senior counsel and learned counsel for the appearing parties.

13) The Court is of the considered opinion that as per the scheme of

the ACS Act, 2007, officers are appointed under Section 3(2) of the ACS Act, 2007 to assist the Registrar of Cooperative Societies, Assam. Therefore, other authorities under the respondent no. 2, *prima facie*, are found to be exercising delegated power and authority. Therefore, if the interpretation sought to be advanced by the learned senior counsel for the appellants is accepted, all appeals against any order passed by authorities under the ACS Act, 2007 would have to be filed before the State Government only, thereby rendering the provision of appeal under Section 111(1) of the ACS Act, 2007 as nugatory.

14) Therefore, the Court is disinclined to accept the interpretation, as advanced by the learned senior counsel for the appellant, which, if accepted, would render the appellate provisions of Section 111(1) under ACS Act, 2007 as otiose, which would frustrate the intent and purpose of the said appellate provision. In this regard, the Court is guided by the ratio laid down by the Supreme Court of India in the case of *Chintapalli Agency Taluk Arrack Sales Co-op. Society Ltd. v. Secretary (Food and Agriculture) Govt of A.P. & Ors., AIR 1977 SC 2313*, and *Sankar Ram And Co. (supra)*.

15) None of the cases cited by the learned senior counsel for the appellants are decided on the law which is *para materia* to the provisions of ACS Act, 2007, which provides for delegation of power to all other officers of the Office of the Registrar of Cooperative Societies, Assam. Hence, there appears to be no point to burden this order with discussion on case law which has not been decided under provisions which are not similar to the provisions of the ACS Act, 2007.

16) The learned Single Judge, in the impugned judgment and order dated 11.09.2026, had duly considered the provisions of Section 111(1) and 111(3) of the ACS Act, 2007 and is found to have correctly interpreted that the

order dated 06.11.2023 was passed by the Zonal Joint Registrar of Cooperative Societies, Silchar Zone (respondent no.3) and therefore, appeal under Section 111(1) would lie before the Registrar of Cooperative Societies, Assam (respondent no.2). The learned Single Judge is also found to have correctly appreciated that the dissolution of the Managing Committee/ Board of Directors of respondent no. 5 society was by operation of provisions of Section 39 of the ACS Act, 2007 and therefore, the appeal would lie before the respondent no.2.

17) Therefore, the appellants have not been able to make out any case for interference with the judgment and order dated 11.09.2026, passed by the learned Single Judge in W.P.(C) No. 3847/2026, thereby dismissing the writ petition. Consequently, this intra-Court appeal is dismissed.

18) The parties are left to bear their own cost.

19) Interim order dated 25.09.2026, by which it was provided that any order that may be passed by the competent authority or by the AGM for constituting a new Board of Directors shall not be given effect to, which was extended by order dated 29.09.2026, is vacated.

20) The learned standing counsel for the Cooperation Department shall communicate a downloaded copy of this order to the concerned respondent authorities.

JUDGE **JUDGE**

Munna Kumar Digitally signed by Munna Kumar Date: 2026.11.05 11:41:56 +05'30'

Comparing Assistant **Private Secretary**