GAHC010210052023

2026:GAU-AS:17028

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

Case No. : WP(C)/5517/2023

RUFUL AMIN
S/O- ABDUL KUDDUS, R/O- VILL.- DURABANDI BILL, P.O. LUCHNABORI, DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, CO-OPERATION DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-781022.

3:THE ADDITIONAL REGISTRAR OF CO-OPERATIVE SOCIETIES (GEN)
ASSAM
KHANAPARA
GUWAHATI-781022.

4:THE ZONAL JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES

GUWAHATI ZONE
ASSAM

5:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
MORIGAON
ASSAM

6:THE ONE MAN COMMITTEE
OF LUCHANABORI SAMABAI SAMITI LTD.

REPRESENTED BY THE SRI BIPUL BORA
SR. INSPECTOR/AUDITOR OF COOPERATIVE SOCIETIES
P.O. LUCHANABORI
MORIGAON
ASSAM
PIN- 782126.

7:ABDUL KASHEM
S/O LT. TAIJUL ISLAM
R/O VILL.- LUCHNABORI
P.O.- LUCHNABORI
P.S.- MOIRABARI
DIST.- MORIGAON
ASSAM.

8:JOINAL ABDIN
S/O LT. MOMIN ALI
R/O VILL.- BELUBARI
P.O.- LUCHNABORI
DIST.- MORIGAON
ASSAM.

9:ANOWAR HUSSAIN
S/O LT. MOHAMMAD ALI
R/O VILL.-GARIABARI PATHAN
P.O.- LUCHNABORI
DIST.- MORIGAON
ASSAM.

10:SAIFUL ISLAM
S/O LT. SURUJ ALI
R/O VILL.- LUCHNABORI
P.O.- LUCHNABORI
DIST.- MORIGAON
ASSAM.

11:MOZIBUR RAHMAN
R/O VILL.- LUCHANABORI
P.O.- LUCHNABORI
DIST.- MORIGAON
ASSAM

Advocate for the Petitioner : MR. J M A CHOUDHURY, MR. A B T HAQUE

Advocate for the Respondent : SC, CO OP, T PABIN (R 7 - R 11),I AMIN (R 7 - R 11),MR M H AHMED (R 7 - R 11)

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

18-11-2026

1. Heard Mr J.M.A. Choudhury, learned counsel for the petitioner. Also heard Mr G. Bordoloi, learned Standing Counsel, Co-operation Department, for respondent Nos. 1 to 5, and Mr M.H. Ahmed, learned counsel for respondent Nos. 7 to 11.

2. The facts of the present case are that the petitioner, Secretary of Lochanabori Samabay Samittee Limited (hereinafter referred to as "the Samabay Samittee") in the district of Morigaon, was suspended from the post of Secretary and an In-charge Secretary was appointed pursuant to his arrest in connection with Morigaon Police Station Case No. 230/2022 registered under Sections 120(B)/201/403/408/409/417/468 IPC read with Section 7 of the Essential Commodities Act.

3. According to the petitioner, subsequently, by a resolution adopted in the meeting dated 18.03.2023, the Board of Directors of the Samabay Samittee had reinstated the petitioner to the post of Secretary and allowed him to continue as the Secretary of the said Samabay Samittee.

4. According to Mr Choudhury, learned counsel for the petitioner, while the petitioner was functioning as the Secretary of the Samabay Samittee, after reinstatement, the Additional Registrar of Co-operative Societies (General), Assam, under its order dated 02.09.2023, directed a One-Man Committee to function as the Secretary of the Board of Directors for holding the Annual General Meeting (AGM) for the election of the Samabay Samittee.

5. Assailing the aforesaid order, the present writ petition is filed.

6. On the other hand, Mr. Ahmed, learned counsel for the respondent Nos.7 to 11, shareholders of the Society, submits that in view of the illegal activities of the petitioner as Secretary, the General Body in its meeting held on 22.12.2022 under its resolution No. 18 unanimously resolved that under no circumstances should the Secretary be allowed to work in the Samabay Samittee.

7. Be that as it may, the record shows that, after an inquiry, the General Body resolved in its meeting dated 22.12.2022 that the petitioner be discontinued as Secretary of Lochanabori Samabay Samittee.

8. Another challenge in this writ petition is to the order dated 14.06.2023, passed by the Registrar, whereby the Board's resolution was approved. The petitioner also challenges the order dated 19.07.2023, passed by the Registrar of Cooperative Societies, Assam, in the review petition preferred by the petitioner seeking review of the order dated 14.06.2023, by which it was provided that the issue regarding the appointment of the Secretary to the Samabay Samittee shall be considered at the meeting of the next Board of Directors, inasmuch as, at that stage, the said Samabay Samittee was functioning under a One-Man Committee by virtue of the impugned order dated 27.07.2023 issued by the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone, in terms of Section 41(6) of the Assam Cooperative Societies Act, 2007, the One-Man Ad hoc Committee (Assistant Registrar of Cooperative Societies, Morigaon) was directed to function as Secretary.

9. Mr. Bordoloi, learned Standing Counsel, Co-operation Department, submits that he has instructions from his client that, in the meantime, the AGM was held and a new Board was constituted. Therefore, the One-Man Committee is no longer functioning.

10. Thus, from the aforesaid facts, it emerges that the petitioner was initially

arrested and, on account of such arrest, was suspended; such suspension was withdrawn, as claimed by the petitioner; the Board thereafter resolved not to continue with the petitioner in the backdrop of his arrest and allegations of corruption, and the Registrar of Cooperative Societies approved such decision. However, upon the petitioner's request for review, the matter was referred to the Board of Directors to decide it afresh.

11. In the meantime, as submitted by the learned counsel for the shareholders, the Board of Directors has been constituted.

12. In the aforesaid facts, the order dated 19.07.2023 relegating the matter to be decided by the Board of Directors cannot be termed arbitrary or without jurisdiction, inviting interference at the hands of this writ Court; it is the Board which is empowered to remove/appoint a Secretary by following the prescribed procedure laid down in this regard. Such relegation also provides an opportunity of hearing to the petitioner.

13. Taking note of the matter in its entirety, this Court is of the opinion that in view of the order dated 19.07.2023, the newly elected Board should now proceed in terms of the said order.

14. Ordered accordingly.

15. At this stage, the learned counsel for the shareholders submits that, in view of Resolution No. 16, the petitioner is not continued as Secretary; and, on the other hand, the learned Counsel for the petitioner submits that, by virtue of the interim order passed by this Court, the petitioner is still continuing as Secretary. However, this Court will not comment on this factual aspect and directs the parties to maintain the status quo in respect of the position of Secretary till the Board decides the removal/continuation of the petitioner in terms of the order of relegation dated 19.07.2023 issued by the Registrar of Co-operative Societies, Assam.

16. Accordingly, the present writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant