

WP(C) 3232/2008

BEFORE

HON'BLE MR JUSTICE HN SARMA

Heard Mr. J. Mollah, learned counsel for the petitioner and Mr. N. Dhar, learned counsel appearing for one of the share holder Mr. B. Barbhuiyan and has also made his submission re-iterating to hold the Annual General Meeting. Also heard Mrs. VL Sinha, learned State counsel appearing for the State respondents.

The challenge made in this writ petition is the order dated 15.7.08 by which the Registrar of Co-operative Society Limited setting aside the order dated 15.5.08 passed by the Zonal Joint Registrar of Co-operative Society, appointing the petitioner as ad-hoc committee to run the affairs of the Rajatilla Co-operative Society Ltd. Mr. Mollah submits that before expiry of 90 days period and during the course of live of the committee, the impugned order has been passed without any rhyme and reason although the petitioner committee had the power for holding the Annual General Meeting of the Society. The one man ad-hoc committee appointed by the Registrar of Co-operative society fixed 25.5.08 for holding the A.G.M. and before that date, the impugned order has been passed by the Zonal Joint Registrar setting aside the said order appointing adhoc managing committee of the society headed by the petitioner. Although the earlier order was passed by the Registrar Co-operative, it is submitted by Dhar, learned counsel that the said committee was set aside by the Junior Officer i.e., Zonal Joint Registrar.

Mr. Mollah tried to justify the said order passed by the Zonal Joint Registrar on the ground of violation of the direction by earlier one man committee for holding the A.G.M. In such a situation, the Zonal Joint Registrar should have referred the matter who appointed earlier one man committee but that was not done and he himself set aside the order although the date for holding the AGM by the earlier one man committee fixed on 25.5.08.

Admittedly, the petitioner's committee was constituted by the Zonal Joint Registrar for the purpose of holding the AGM of the society by the impugned order. The reafter, the Registrar has appointed one S. Roy Choudhury, a Sr. Inspector of the Co-operative Societies to manage the affairs of the society directing him to hold the AGM within 90 days from the date of order, in view of fixation of the date for holding the AGM on 25.5.08.

Upon hearing the learned counsel for the parties, I find that all the parties are unanimous and desirous for holding the AGM of the Society as expeditiously as possible. The petitioner's committee was appointed on adhoc basis for holding the AGM and the same has been replaced by the order dated 15.5.08 by the superior authority i.e., Registrar of Co-operative Societies.

In view of the above facts, this writ petition is disposed of with the direction that the one man committee so formed by the impugned order who is now holding the charge shall hold the Annual General Meeting of the Co-operative Society within 21.8.08 by following necessary provisions of the Act/Rule/by laws and he shall cease to hold the office after constitution and taking over charge by the new committee and all the affairs of the Society shall be handed over to the newly elected managing committee.

With these directions, the writ petition stands disposed of.