

WP(C) 761/2008

BEFORE

HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. T. N. Srinivasan, the learned counsel for the petitioners and Mr. A.K. Sharma, learned counsel representing the respondent No. 4.

The petitioner is aggrieved by the order dated 18.02.08 issued by the Registrar of the Co-operative Societies, Assam constituting the Ad hoc Managing Committee represented by the respondent No. 4. The Ad hoc Managing Committee is to hold the AGM and the election within 19.05.08.

The petitioner No. 1 is said to be the Chairman of the earlier Ad hoc Committee of the Society. The petitioner No. 2 is the shareholder of the Society. The earlier Ad hoc Managing Committee was constituted way back in 2002 limiting the period of operation for 90 days. However, it continues to run with time to time extension granted. Eventually, the petitioner No. 2 filed Title Suit No. 373/2002 in Misc. (J) Case No. 179/2002. Initially a prayer for injunction was granted. However, the injunction petition having been dismissed for default, the petitioner No. 2 preferred an appeal. The appeal was allowed by the order dated 22.05.06. However, there is no stay order.

In view of the above, it is the case of the petitioner that since the earlier Ad hoc Committee is still in existence and the aforesaid Title Suit is pending, the Registrar of the Co-operative Society could not have passed the impugned order dated 18.02.08 constituting another Ad hoc Committee.

The Ad hoc Committee represented by the petitioner No. 1 was admittedly constituted for a period of 90 days. Its term expired long back. The purpose for which the Ad hoc Committee was constituted was to hold the AGM and the election. In the writ petition the petitioners have stated about the difficulties which the Ad hoc Committee had to face towards holding of AGM and the election.

From the materials on record, it appears that adhocism of the society has been the order rather running the affairs of the society by a duly elected body. Present Ad hoc body has been constituted to hold AGM/election with the stipulation of the period upto 19.05.08. The order itself speaks of cessation of the Ad hoc body on expiry of 90 days.

In view of the above, I do not find any merit in the writ petition and it is dismissed. It is hereby clarified that in the event of failure on the part of the respondent No. 4 representing the Ad hoc Managing Committee to hold the AGM/election within the specified date, i.e. 19.05.08, it will cease to have any existence.