

GAHC010109052021



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

Case No. : WP(C)/3402/2021

1: RONGPUR CO-OPERATIVE SOCIETY LTD. AND ANR.
REP. BY THE CHAIR-PERSON OF RONGPUR CO-OPERATIVE SOCIETY,
CACHAR, ASSAM, AT GOSSAIPUR, P.S. UDHARBOND, DIST. CACHAR,
ASSAM, PIN-788030

2: RESHMA PARVIN LASKAR
W/O IFTIKHAR AHMED LASKAR
CHAIRPERSON OF RONGPUR CO-OPERATIVE SOCIETY
CACHAR ASSAM R/O VILL AND P.O. GOSSAIPUR PART-III
P.S. UDHARBOND DIST. CACHAR ASSAM PIN-78803

VERSUS

1: THE STATE OF ASSAM AND 8 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
CO-OPERATION DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM KHANAPARA GUWAHATI-22.

3: THE ZONAL JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
CACHAR AT SILCHAR DIST. CACHAR ASSAM

4: THE ASSTT. REGISTRAR OF CO-OPERATIVE SOCIETIES
CACHAR AT SILCHAR DIST. CACHAR ASSAM

5: THE SECRETARY
RANGPUR CO-OPERATIVE SOCIETY LTD. GOSSAIPUR
P.S. UDHARBOND DIST. CACHAR ASSAM PIN - 788030

6: SAJUL ISLAM BARBHUYAN
S/O LATE ANAR ALI BARBHUYAN
R/O VILL AND P.O. GOSSAIPUR PART-III P.S. UDHARBOND
DIST. CACHAR ASSAM PIN-788030

7:SANJAY KUMAR BARMAN
SENIOR INSPECTOR/AUDITOR ARCS OFFICE
CACHAR AT SILCHAR ASSAM PIN-788001.

8:SRI AMIYA KUMAR SINHA
ASSTT. REGISTRAR OF CO-OPERATIVE SOCIETIES
CACHAR OF SILCHAR ASSAM

9:TAPASH KANTI DAS
SENIOR ASSISTANT ARCS OFFICE
CACHAR AT SILCHAR ASSAM PIN-78800

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, CO OP

– B E F O R E –
HON’BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 31-05-2022

Heard Mr. M.U. Mahmud, learned counsel for the petitioners, who submits that the impugned order dated 14.07.2021 passed by the Assistant Registrar of Co-operative Societies, Silchar should be set aside, inasmuch as the respondent No.6 has been illegally restored as Chairman of the petitioner No.1 Society.

Mr. S. Banik, learned counsel for the respondent No.6 and Mr. S.K. Talukdar, learned standing counsel, Co-operation Department submit that the petitioner No.2 has a statutory remedy available by way of Section 111 of the Assam Co-operative Societies Act, 2007, by which she can file an appeal to the Registrar from the decision made by the Assistant Registrar of Co-operative Societies, Silchar.

On considering the fact that there is a statutory remedy available, this Court is of the view that the petitioner No.2 should approach the

Registrar of Co-operative Societies, by way of an appeal against the impugned order dated 14.07.2021. Accordingly, the petitioner No.2 shall file her appeal within a period of 10(ten) days from today. The Registrar of Co-operative Societies, Assam shall take a decision on the appeal of the petitioner No.2 within a period of 3(three) weeks thereafter. It is made clear that till a decision is taken by the Registrar in respect of the appeal filed by the petitioner No.2, the petitioner No.2 shall continue to hold the post of Chairman of the petitioner No.1 Society. It is made clear that if the petitioner No.2 does not file her appeal within a period of 10(ten) days from today, the *interim* order allowing the petitioner No.2 to continue in the post of Chairman of the petitioner No.1 Society shall automatically be vacated. It is needless to add that if the petitioners are aggrieved by the decision taken by the Registrar of the Co-operative Societies, they are at liberty to approach the appropriate forum for redressal of their grievance.

The writ petition is accordingly disposed of.

J U D G E

Comparing Assistant