

GAHC010020152026



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

Case No. : WP(C)/550/2026

ABDUL SHAHID
SON OF LATE ALTAB ALI, R/O.- VILLAGE NO 2, DEVEN GAON, P.O.
NAKHUTI BAZAR, P.S. LUMDING, DIST. HOJAI, ASSAM, PIN- 782446.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, COOPERATION DEPARTMENT, DISPUR, GUWAHATI-781006.

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

3:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
HOJAI
DIST. HOJAI
ASSAM
PIN- 782435.

4:THE SECRETARY
NAKHUTI SAMABAI SAMITTEE LIMITED
P.O. NAKHUTI BAZAR
P.S. LUMDING
DIST. HOJAI
ASSAM
PIN- 782446.

5:SAYED HUSSAIN BORBHUYAN
SON OF LT MOIN UDDIN BORBHUYAN
R/O NO. 1 MAUZADAR GAON

P.O. NAKHUTI BAZAR
PS. LUMDING
DIST. HOJAI
ASSAM
PIN- 782446

Advocate for the Petitioner : MR. M K CHOUDHURY, MR J ABEDIN,MR. K I MAZUMDER

Advocate for the Respondent : SC, CO OP, FOR CAVEATOR,MR. A K AZAD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04.02.2026

Heard Mr. M K Choudhury, learned Senior Counsel assisted by Mr. J Abedin, learned counsel for the petitioner. Also heard Mr. SK Talukdar, learned Standing Counsel, Cooperative Department.

The petitioner was the Chairman of Nakuti Samabai Samittee Limited, Hojai, which is a cooperative society and pursuant to, pursuant to the board meeting held on 16-10-2025, the earlier Chairman, Sayed Hussain Borbhuyan, who is the respondent no.5 in the present writ petition, was removed as the Chairman of Nakuti Samabai Samittee Limited, Hojai and the present petitioner has been appointed as the Chairman of the said Society.

Pursuant thereto, an appeal was filed by the respondent No.5 before the Office of the Registrar of Cooperative Societies and upon hearing the

respondent no.5, by impugned order dated 13-01-2026, the Registrar concluded that the meeting which was conducted for removal of respondent No.5 was invalid as it was not in consonance with the mandate of the Bye-laws of the Society in so far as issuance of proper notice is concerned and further, the proceedings of the said meeting were, therefore, considered to be null and void and the respondent No.5 has been reinstated as the Chairman of the said Society and the respondent no.5 was allowed to operate the bank account of the Society. Being aggrieved, the present writ petition has been filed by the petitioner on the grounds that the conclusions arrived at by the Registrar are on the basis of a misinterpretation of the Bye-laws. He has referred to Clause 10(6) and Clause 10(9) of the Bye-laws of the Society.

Mr. MK Choudhury, learned Senior Counsel for the petitioner submits that as per Clause 10(6) of the Bye-laws of the Society is in respect of any meeting of the Board of directors where clear notice of seven days is required to be issued, whereas, in respect of *No Confidence Motion*, the appropriate provision would be Clause 10(9) where the meeting is to be held within a period of seven days from the date of receipt of the petition for no *No Confidence Motion*. The learned Senior Counsel for the petitioner, therefore, submits that the finding of the Registrar that seven days clear notice was necessary as per Clause 10(6) of the Bye-laws of the Society is the misinterpretation of the Clauses and instead

of Clause 10(6) of the Bye-laws of the Society, the provisions of Clause 10(9) of the Bye-laws would be applicable and therefore, the Registrar having incorrectly applied the provisions of the Bye-laws, the impugned order is bad in law. Therefore, the impugned order dated 13.01.2026 may be interfered with and set-aside and the petitioner be reinstated as the Chairman of the said Society in the place of the respondent no.5. Mr. Choudhury further submits that as on date, he is not handed over charge of the office of the Chairman of the said Society.

Mr. SK Talukdar, learned Standing Counsel, Corporation Department, on the other hand, submits that both Clause 10(6) and Clause 10(9) of the Bye-laws of the concerned Society are in respect of the meeting of Board of Directors and therefore, the conclusion of the Registrar of Cooperative Societies that seven days clear notice was required to be issued cannot be said to be contrary to the intent and the spirit of the Bye-laws. His further submission is that by the said impugned order, the respondent No.5 was reinstated by holding the proceedings of the Board of Directors meeting dated 16-10-2025 to be null and void. Therefore, the contention of the learned Senior Counsel for the petitioner that the petitioner is still holding charge will have no effect.

Having heard counsel for parties, it appears to the Court that the matter will

require some hearing. Therefore, at this stage, Notice be issued, returnable on 09.03.2026.

Since Mr. SK Talukdar, learned Standing Counsel, Cooperative Society appears for respondents No. 1, 2 and 3, notices are waived. Extra copies be furnished within a period of 1 (one) week from today.

Learned counsel for the petitioner shall take steps on respondents No. 4 and 5 by speed post within 3 (three) working days.

Issue notice on the interim prayer, returnable on 09.03.2026.

List the matter on 09.03.2026.

Till the next returnable date, *status quo* between the parties shall be maintained.

JUDGE

Comparing Assistant