

GAHC010121842022



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

Case No. : WP(C)/4139/2022

NIZAM KHAN
S/O- LATE NANDU KHAN,
VILLAGE- PALHAJI,
P.O- AND DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, COOPERATION DEPARTMENT, DISPUR, GUWAHATI-06

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
COOPERATION DEPARTMENT
DISPUR
GUWAHATI-06

3:ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES
GUWAHATI ZONE
BHANGAGARH
GUWAHATI

4:THE REGISTRAR
OF COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-22.

5:THE THEN BOARD OF DIRECTORS OF AZAD SAMABAY SAMITI OF
BARPETA DISTRICT
ASSAM
(PRESENTLY NON FUNCTIONAL SINCE 1/06/2022

Advocate for the Petitioner : MR. S BANIK

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 22.06.2022

Heard Mr. S. Banik, learned counsel for the petitioner and Mr. S.K. Talukdar, learned Standing Counsel, Co-operation Department for the respondent nos. 1–4.

The petitioner was appointed as the Secretary of M/s Azad Samabay Samity by an appointment order dated 14.03.2002. M/s Azad Samabay Samity is a co-operative society registered under the provision of the Assam Co-operative Societies Act, 2007 [‘the Society’, for short]. By a resolution passed by the Board of Directors of the Society in a meeting held on 02.06.2022, the petitioner has been removed from the post of Secretary of the Society. The petitioner by this writ petition has challenged his removal from the post of Secretary by the Board of Directors of the Society.

Mr. Talukdar, learned Standing Counsel, Co-operation Department has raised the issue of maintainability of the writ petition.

Issue notice of motion, returnable in 4 [four] weeks.

As Mr. Talukdar has appeared and accepted notices on behalf of the respondent nos. 1–4, no formal notices need to be issued in respect of the said respondents. The learned counsel for the petitioner shall serve requisite number of extra copies of the writ petition along with annexures, to Mr. Talukdar within 3 [three] working days.

The petitioner shall take steps for service of notice upon the respondent no. 5 by registered post with A/D within 3 [three] days.

The issue of maintainability of the writ petition under Article 226 of the Constitution of India will be considered on the returnable date.

JUDGE

Comparing Assistant