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

Case No. : WP(C)/3678/2026

HAFSANA BEGUM LASKAR AND 8 ORS
W/O SALIM UDDIN LASKAR, VIII. MAHAMMEDPUR PT.IV, P.S. LALA, DIST.
HAILAKANDI, ASSAM.

2: MOSLEM ALI BORBHUIYA
S/O LT. MUDARISH ALL BORBHULYA
VIII. SARBANANDAPUR
P.S. LALA
DIST. HALLAKANDI
ASSAM -788163.

3: AZIRUDDIN BORBHUIYA
S/O LT. ABDUL BARI BORBHUIYA
VIII. ABDULLAPUR PT.II
P.S. LALA
DIST. HALLAKANDI
ASSAM.

4: FAKRUL HAQUE BORBHUIYA
S/O LT. BASIR UDDIN BORBHUIYA
VIII. MAHAMMEDPUR PT.II
P.S. LALA
DIST. HAILAKANDI
ASSAM.

5: AMALARUN NESSA
W/O- LT SAFIQR RAHMAN SK. VILL. MAHAMMED PUR PT. II
P.O.- RONGPUR SOUTH
P.S. LALA
DIST. HAILAKANDI
ASSAM.

6: NASIRUDDIN BORBHUIYA
S/O ABDUL SUITAN BORBHUIYA

VILL. ABDULAPUR PT. II
P.S. LALA
DIST- HAILAKANDI
ASSAM

7: SRI DILIP NATH
S/O LT. SUDHIR CH. NATH
VIII. SARBANANDAPUR
P.S. LALA
DIST- HAILAKANDI
ASSAM

8: AFTAB UDDIN LASKAR
S/O- HARIS ALI LASKAR
VILL. MAHAMMEDPUR PT.I
P.S. LALA
DIST. HALLAKANDI
ASSAM.

9: IKBAL HUSSAIN LASKAR
S/O LT. MOINAMIA LASKAR
VILL- MAHAMMEDPUR PT.II
P.S. LALA
DIST. HALLAKANDI
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
COOPERATION DEPTT. DISPUR, GUWAHATI-6.

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

3:THE ZONAL JOINT REGISTRAR OF COOP SOCIETIES
SILCHAR
ASSAM

4:THE ASSTT REGISTRAR OF COOP SOCIETIES
CACHAR
SHRIBHUMI HAILAKANDI
SILCHAR ZONE
ASSAM
DIST. HAILAKANDI

5:SHRI ASHOKE KR SHEEL
S/O LT. GIRISH CH. SHEEL
VILL. SARBANANDAPUR
P.S. LALA
DIST. HAILAKANDI
ASSAM. PIN -78816

Advocate for the Petitioner : MR. K A MAZUMDER, MR E AHMED,S A ISLAM

Advocate for the Respondent : SC, CO OP,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 17.07.2026

Heard Mr. K.A. Muzumder, learned counsel for the petitioner and Mr. S.K. Talukdar, learned Standing Counsel, Cooperation Department for the respondent nos. 1 – 4.

2. The genesis of the dispute raised in this writ petition is traceable to two Resolutions adopted by the Board of Directors of M/s Mohammedpur Niz-Vernerpur Samabay Samity Limited [‘M/s Mohammedpur Society’], a cooperative society registered under the provisions of the Assam Cooperative Societies Act, 2007 [‘the Act 2007’, for short], as amended, in its Board Meeting, held on 25.12.2024. By the said two Resolutions, the Board of Directors of M/s Mohammedpur Society, which are represented by the petitioner nos. 1 to the petitioner no. 8 herein, decided to appoint the petitioner no. 9 as the Secretary of M/s Mohammedpur Society. Aggrieved by the said Resolutions, the respondent no. 5 herein who claims himself to be the Secretary of M/s Mohammedpur Society, preferred an appeal under Section 111[1] of the 2007 Act. The two Resolutions taken by the Board of Directors of M/s Mohammedpur Society was approved by the respondent no. 4 on 03.01.2025 in exercise of powers under Section 45[1] of the 2007 Act, delegated to him by a Government Notification dated 23.05.2012. The appeal preferred by the respondent no. 5 was taken on board by the respondent no. 3 for disposal exercising power under Section 111[1] of the 2007 Act in view of the fact that the power under Section 111[1] has been delegated to him by the

Government Notification dated 23.05.2012.

3. Taking cognizance of the appeal, the respondent no. 3 passed an interim Order on 17.01.2025 to the effect that the direction given by the respondent no. 4 on 03.01.2025 for handing over the charge of the Secretary of M/s Mohammedpur Society to the petitioner no. 9 shall remain stayed till disposal of the appeal. The interim Order dated 17.01.2025 was assailed by these petitioners in a writ petition, W.P.[C] no. 682/2025. By an interim Order dated 10.02.2025, the operation of the interim Order dated 17.01.2025 was stayed till the returnable date, 03.03.2025. The Order dated 10.02.2025 was challenged in an intra-court appeal, Writ Appeal no. 55/2025. By an interim Order dated 19.02.2025 passed in the writ appeal, Writ Appeal no. 55/2025, the interim Order dated 10.02.2025 passed in W.P.[C] 682/2025 was stayed to the extent of staying the Order dated 17.01.2025 passed by the respondent no. 3 in the appeal preferred by the respondent no. 5 herein. On 24.03.2025, Writ Appeal no. 55/2025 came up for final consideration. On that day, it was submitted by the learned counsel for the parties, on the basis of an agreement reached among them, that the writ appeal be disposed of, while making the interim Order dated 19.02.2025 absolute till the disposal of W.P.[C] no. 682/2025. The Division Bench had accordingly, disposed of the writ appeal making the interim Order dated 19.02.2025 absolute till the final adjudication of the writ petition, W.P.[C] no. 682/2025.

4. Consequently, the writ petition, W.P.[C] no. 682/2025 came up for consideration on 19.06.2025. This Court had taken note of the position that the Registrar of Cooperative Societies, Assam under Section 111 of the Act 2007 can exercise the appellate power. As the impugned interim Order dated 17.01.2025 assailed by the petitioners therein was passed in an appeal preferred by the respondent no. 5 herein was only an interim Order and the appeal was not disposed of, the writ petition was disposed of by an Order dated 19.06.2026 with a direction to the appellate authority, who was in seisin of the appeal to take the appeal on board to proceed further and to dispose of the appeal in an expeditious manner, within an outer limit of 6 [six] weeks by following due procedure of law and in observance of the principles of natural justice. The Court further observed that as it had not made any observation on the merits of the case of the contesting parties in any manner, all the

contentions of the parties were left open to be agitated before the appellate authority.

5. Subsequent to the disposal of the writ petition, W.P.[C] no. 682/2025, the records of the appeal was placed before the respondent no. 2 on 07.07.2026. By an Order dated 09.07.2026, the respondent no. 2 expressed a view that the respondent no. 3 would dispose of the appeal in accordance with the Order dated 19.06.2025 passed in W.P.[C] no. 682/2026. Thereafter, the respondent no. 3 issued notices to the parties in appeal for their appearance before him on 08.07.2026 and 13.07.2026. By the Notice dated 13.07.2026, the respondent no. 3 had scheduled the hearing of the appeal on 18.07.2026 and the parties to the appeal had accordingly been notified.

6. Mr. Mazumder, learned counsel appearing for the petitioners has submitted that a Division Bench of this Court in a batch of four appeals including **Writ Appeal no. 147/2025 [Abhijit Chakraborty vs. The Bikanpur Cooperative Societies Limited and 3 others]** had observed that it is the Registrar of Cooperative Societies, Assam who has the power, authority and jurisdiction to decide on a dispute relating to appointment, removal, etc. of a Secretary/Chief Executive of a registered Cooperative Society by virtue of the provisions of Section 92 and Section 49[2][I] of the 2007 Act and the Division Bench had impliedly observed that in a dispute regarding appointment, removal, etc. of Secretary/Chief Executive of a Cooperative Society would not come within the appellate powers under Section 111[1] of the 2007 Act. It is his further contention that by the Notification dated 23.05.2012, the power under Section 92 and Section 49[2][I] of the 2007 Act have not been delegated to an authority like Zonal Joint Registrar of Cooperative Societies, Assam and as such, the respondent no. 3 does not have the power, authority and jurisdiction to decide on the appeal the subject-matter of which is appointment, removal, etc. of a Secretary/Chief Executive of a Registrar of Cooperative Societies. As the hearing of the appeal has been scheduled by the respondent no. 3 on 18.07.2026, Mr. Mazumder, with the above submissions, has sought for a direction to the respondent no. 3 not to proceed with the hearing of the appeal.

7. In response, Mr. Talukdar, learned Standing Counsel, Cooperation Department has submitted that for a Registrar of Cooperative Societies, Assam to decide a dispute between

the Secretary/Chief Executive of a Cooperative Society and the Board of Directors of a Cooperative Society, the power, authority and jurisdiction is traceable to Section 92 and Section 49[2][I] of the 2007 Act and the dispute herein is about appointment, removal, resignation, etc. both of a Secretary/Chief Executive of a Cooperative Society and the dispute is between two persons who claim themselves to be the Secretary of M/s Mohammedpur Society and the Board of Directors of the said Mohammedpur Society. He has submitted that he needs some time to obtain the further instructions and to make submissions. He has, thus, sought for listing of the case on 24.07.2026.

8. In response, Mr. Mazumder, learned counsel for the petitioners, by referring to the Notification dated 23.05.2012, has submitted that by the Notification specific powers have been delegated to a Zonal Joint Registrar of Cooperative Societies and powers under Section 92 and Section 49[2][I] of the 2007 Act have not been delegated to the Zonal Joint Registrar of Cooperative Societies, that is, the respondent no. 3, and therefore, the respondent no. 3 lacks the power, authority and jurisdiction to decide the appeal which is on the subject-matter, mentioned above.

9. The matter would require further consideration.

10. As Mr. Talukdar has submitted that he needs some time to complete his instructions, let the case be listed on 24.07.2026.

11. As the hearing of the appeal is scheduled on 18.07.2026 before the respondent no. 3, this Court observes that the respondent no. 3 may proceed with the hearing of the appeal. Having found prima facie force in the submissions of Mr. Mazumder, learned counsel for the petitioners in reference to the Government Notification dated 23.05.2012, the respondent no. 3 shall not pass the final order in the appeal without the leave of the court till the next date of listing.

12. List the case on 24.07.2026.

JUDGE

Comparing Assistant