

GAHC010225582022



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

Case No. : WP(C)/7098/2022

ABDUL REJAK AND 5 ORS
S/O. ABDUL HEKIM, VILL. CHATIONTOLI, P.O. CHATIONTOLI, P.S.
LAHARIGHAT, DIST. MORIGAON, ASSAM, PIN-782127.

2: ABUL KALAM
S/O. LT. ABDUL JAHED
R/O. AMRAGURI
P.O. JALAKIABORI
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN-782127.

3: ABDUL MOTIN
S/O. LT. MOFIJ UDDIN
R/O. BORKHABAL
P.O. LAHARIGHAT
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN-782127.

4: NOJIQUL ISLAM
S/O. LT. MOHAMMEED ALI
R/O. BARKHALBAL
P.O. LAHARIGHAT
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN-782127.

5: GIUSUDDIN AHMED
S/O. LT. MATAL ALI
R/O. BARBARI

P.O. LAHARIGHAT
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN-782127.

6: FAKAR UDDIN
S/O. HAYDAR ALI
VILL. AMARAGURI
P.O. JALAKIABAORI
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN-782127

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY, CO-OPERATION DEPTT., DISPUR,
GUWAHATI-781006.

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES

ASSAM
SAMABHAI BHAWAN
KHANAPARA
GUWAHATI-781022.

3:THE ASSTT. REGISTRAR OF COOPERATIVE SOCIETIES

MORIGAON
DIST. MORIGAON
ASSAM.

4:MD. NURUL AMIN
R/O VILL AMARAGURI
P.O- JALAKIABORI
P.S- LAHARIGHAT
DIST- MORIGAON
ASSAM
PIN- 782127.

5:ABUL KALAM
R/O VILL AMARAGURI
P.O- JALAKIABORI
P.S- LAHARIGHAT
DIST- MORIGAON
ASSAM

PIN- 782127

Advocate for the Petitioner : MR. M K BORAH

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 16-12-2022

Heard Mr. M.K. Borah, learned counsel for the writ petitioners. Also heard Mr. S.K. Talukdar, learned standing counsel, Cooperation Department appearing for the official respondents.

By filing this writ petition, the petitioners have challenged the election of the private respondent to the Board of the Cooperative Society in question.

Mr. Talukdar submits that the writ petition is not maintainable. That apart, according to Mr. Talukdar the claim of the petitioner is barred by the law of limitation which would have strict application in this case.

Mr. Bora, however, submits that he be given some more time to convince this Court on the point of maintainability of the writ petition.

In view of the above, issue notice returnable in 06 weeks.

Since Mr. Talukdar has accepted notice on behalf of respondent Nos. 1 to 3, no formal notice is required to be sent to the said respondents.

Extra copies of the writ petition be furnished to the learned departmental counsel.

Petitioners to take steps for service of notice upon respondent Nos. 4 and 5 by registered post with A/D.

The question of maintainability of the writ petition is kept open and shall be gone into at the stage of admission hearing.

JUDGE

GS

Comparing Assistant