

GAHC010236962025



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

Case No. : WP(C)/6115/2025

HAFSANA BEGUM LASKAR AND 9 ORS
W/O- SALIM UDDIN LASKAR, VILLAGE- MOHAMMADPUR PART-II, P.O.-
RONGPUR SOUTH, P.S. LALA, DISTRICT- HAILAKANDI, ASSAM, PIN-
788163

2: DILIP NATH
S/O- LATE SUDHIR CHANDRA NATH
VILLAGE AND P.O.- SARBANANDAPUR
P.S. LALA
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

3: MANIK LASKAR
S/O- LATE HAZI MAHMUD ALI LASKAR
VILLAGE- UTTARJYOSNABAD PART-I
P.O.- LALAMUKH
P.S. LALA

DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

4: JAMAL UDDIN LASKAR
S/O- BODOR UDDIN LASKAR
VILLAGE- ABDULLAPUR
P.O. AND P.S. SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

5: AFTAR UDDIN LASKAR
S/O HARUCH ALI LASKAR
VILLAGE- MOHAMMADPUR PART-I

P.O- RONGPUR SOUTH
P.S- LALA
DISTRICT- HAILAKANDI
ASSAM.
PIN- 788163

6: MUSLIM ALI BARBHUIYA
S/O LATE MODORISH ALI BARBHUIYA
VILLAGE AND P.O- SARBANANDAPUR
P.S- LALA
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

7: AZIR UDDIN BARBHUIYA
S/O LATE ABDUL BARI BARBHUIYA
VILLAGE-ABDULLAPUR
P.O AND P.S- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

8: FAKRUL HAQUE BARBHUIYA
S/O LATE BASIR UDDIN BARBHUIYA
VILLAGE- MOHAMMADPUR PART-II
P.O- RONGPUR SOUTH
P.S- LALA
DISTRICT- HAILAKANDI
ASSAM.
PIN- 788163

9: NASIR UDDIN BARBHUIYA
S/O ABDUL SATTAR BARBHUIYA
VILLAGE-ABDULLAPUR-II

P.O AND P.S- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

10: AMLARUN NESSA SHEK
W/O LATE SOFIQUR RAHMAN SHEK
VILLAGE- MOHAMMADPUR PART-II
P.O- RONGPUR SOUTH
P.S- LALA
DISTRICT- HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND 13 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, COOPERATION DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE REGISTRAR OF COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-22

3:THE ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES
SILCHAR ZONE
SILCHAR DISTRICT- CACHAR
ASSAM
PIN- 788001

4:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
HAILAKANDI
P.O AND DISTRICT- HAILAKANDI
PIN- 788151

5:THE SUB-REGISTRAR OF CO-OPERATIVE SOCIETIES
HAILAKANDI
P.O AND DISTRICT- HAILAKANDI
PIN- 788151

6:THE SR. INSPECTOR/AUDITOR OF CO-OPERATIVE SOCIETIES CUM
OBSERVER
P.O AND DISTRICT- HAILAKANDI
PIN- 788151.

7:THE MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED
REPRESENTED BY ITS SECRETARY
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

8:ABDUL MUBIN LASKAR
SHARE NO.3015
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR

DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

9:ARIFUL ISLAM
SHARE NO.2586
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED REPRESENTED BY ITS SECRETARY
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

10:TAZOB ALI
SHARE NO.2610
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED REPRESENTED BY ITS SECRETARY
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

11:MOKTAR HUSSAIN MAZUMDER
SHARE NO.2605
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED REPRESENTED BY ITS SECRETARY
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

12:ABDUL AHAD BARBHUIYA
SHARE NO.2611
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED REPRESENTED BY ITS SECRETARY
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

13:IMDAD HUSSAIN LASKAR
SHARE NO.2613
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED REPRESENTED BY ITS SECRETARY

VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 788163

14:NAZMUL HUSSAIN LASKAR
SHARE NO.2648
C/O MOHAMMADPUR NIZVERNARPUR COOPERATIVE SOCIETIES
LIMITED REPRESENTED BY ITS SECRETARY
VILLAGE- ABDULLAPUR
P.O- SARBANANDAPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 78816

Advocate for the Petitioner : MR H I CHOUDHURY, MR. S BANIK,H YEASMIN,MR. N H BARBHUIYA

Advocate for the Respondent : SC, CO OP, FOR CAVEATOR,MR. M KHAN

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 29.10.2025

Heard Mr. S. Banik, learned counsel for the petitioner; Mr. S.K. Talukdar, learned Standing Counsel, Cooperation Department for the respondent nos. 1 – 6; and Mr. M. Khan, learned counsel for the respondent no. 8/caveator.

2. The petitioners, 10 [ten] in nos., were the erstwhile Directors in the Board of Directors of M/s Mahammedpur Nizbarnarpur Samabai Samiti Ltd. [‘the Society’, for short], a registered Cooperative Society in District – Hailakandi. The petitioners were elected to the Board of Directors of the Society in the Annual General Meeting [AGM]/Election held on 05.03.2023.

3. One of the AGMs of the Society scheduled on 14.09.2025. The Society has 5254 nos. of members and in the AGM held on 14.09.2025, 1019 shareholders/voters took part. The proceedings of the AGM was held under the supervision of observers deputed by the Cooperation Department. Subsequent to the AGM, complaints were lodged alleging inter alia to the effect that in the AGM, the nos. of persons attended representing dead voters or appending false signatures by way of impersonation, etc. The complaint led to a fact-finding enquiry by the respondent nos. 5 & 6 to submit an Enquiry Report on 10.10.2025. As per the Enquiry Report, there were instances of about 5 dead voters signing the attendance register. In addition, about five duplicate or false signatures were found. There were instances of more than 40 cases where different persons signed against the original members' names.

4. On the basis of the Enquiry Report, the respondent no. 4 passed the impugned Order dated 16.10.2025 disapproving the proceedings of the AGM held on 14.09.2025 on the ground that the AGM was not conducted as per the provision of the Assam Cooperative Societies Act, 2007 ['the Act', for short] and in purported exercise of the power conferred under Section 35 of the Act, the Board of Directors of the Society was dissolved on the ground that it had no locus standi to function due to failure to conduct the AGM as per the procedure. The impugned Order dated 16.10.2025 has led to the consequential impugned Order dated 17.10.2025. By the Order dated 17.10.2025, the respondent no. 3 has appointed an Officer-on-Management to hold the AGM/Election of the Cooperative Society within a period of 90 days to constitute a new Board of Directors as per the provision of the Act.

5. Mr. Banik, learned counsel for the petitioner has contended that as per the fact-finding Enquiry Report, the Society has 5254 nos. of members and the quorum to hold the AGM of the Society is 10% of the total shareholders/voters, that is, 525, if one goes by the fact-finding Enquiry Report. As per the fact-finding Enquiry Report, only in case of about 50 nos. of shareholders, irregularities were found. It is his contention that even if those irregular attendees are taken out of consideration, then also, the quorum for the AGM is made as per the statutory prescription. Therefore, on such mere irregularities, the Board of Directors of the Society could not have been dissolved, without affording a proper opportunity of being heard.

6. Mr. Khan, learned counsel appearing for the respondent no. 8/caveator has submitted that the irregularities had occurred with the consent of the petitioners and therefore, the same cannot be ignored.

7. The matter would require a detail consideration.

8. Issue notice, returnable on 26.11.2025.

9. As Mr. Talukdar, learned Standing Counsel, Cooperation Department has appeared and accepted notice on behalf of the respondent nos. 1 – 6 and Mr. Khan, learned counsel has appeared and accepted notice on behalf of the respondent no. 8, issuance of formal notice to the said respondents is dispensed with. However, extra copies of the writ petition along with annexures are to be furnished to Mr. Talukdar and Mr. Khan within 2 [two] working days from today.

10. The petitioner shall take steps for service of notice upon the remaining

respondents by speed post within 2 [two] working days from today.

11. Heard the learned counsel for the parties also on the interim prayer.

12. As per sub-section [1] of Section 34 of the Act, 2007, the quorum for the AGM of a registered cooperative society shall not be less than 10% of the members eligible to vote at the AGM. Even if the nos. of irregular voters, numbering about 50, as per the fact-finding Enquiry Report, are not taken into consideration, then also, the regular shareholders/voters attending the AGM are found to be far above the quorum. Whether such nature of irregularities would invalidate the entire proceedings of the AGM leading to the dissolution of the Board of Directors is an aspect which can only be considered at the time of final hearing, after receipt of response of the respondents.

13. This Court has found sufficient force in the submissions of the learned counsel for the petitioners. In such view of the matter, it is ordered, in the interim, that the operation of the impugned Order dated 16.10.2025 [Annexure-H] and the Order dated 17.10.2025 [Annexure-I], shall remain in abeyance till the returnable date.

JUDGE

Comparing Assistant