

GAHC010262862023



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

Case No. : WP(C)/6806/2023

MOKBUL HOSSAIN
SON OF ZAKARIA HUSSAIN,
RESIDENT OF VILLAGE- BOSAIMARI,
P.O.- AIRKATA,
P.S.- FAKIRGANJ,
IN THE DISTRICT OF DHUBRI, ASSAM.
PRESENTLY RESIDING AT VILLAGE- OZIGMI,
P.O. AND P.S.- GOSSAIGAON,
IN THE DISTRICT OF KOKRAJHAR,
ASSAM, PIN- 783360.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM,
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
LAW AND JUSTICE DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE BAR ASSOCIATION
GOSSAIGAON
DISTRICT- KOKRAJHAR
REPRESENTED BY THE SECRETARY

BAR ASSOCIATION
GOSSAIGAON

P.O. AND P.S.- GOSSAIGAON

IN THE DISTRICT OF KOKRAJHAR

ASSAM.

4:THE PRESIDENT
BAR ASSOCIATION
GOSSAIGAON
P.O. AND P.S.- GOSSAIGAON

IN THE DISTRICT OF KOKRAJHAR

ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

24.11.2023

Heard Shri MU Mondal, learned counsel for the petitioner, who is aggrieved by a notice dated 28.07.2023 issued by the President of Gossaigaon Bar Association whereby the petitioner, who is an Advocate, has been restrained from practicing in the courts at Gossaigaon.

The learned counsel has also referred to a notification dated 28.07.2023 issued by the concerned Bar Association whereby his membership has been cancelled.

Shri S Baruah, learned State Counsel, Assam, however, raised a preliminary objection regarding the maintainability of the writ petition and submits that cancellation of a membership by an association cannot be the subject matter of dispute in writ petition.

The learned counsel for the petitioner, however, submits that the aspect of restraining him from practicing in the court is still there which is required to be looked into.

This Court has, however, noticed that appropriate application before the concerned authorities have not been made in this regard and the concerned Bar Council has also not been made party.

Shri Mondal, learned counsel prays for and is, accordingly granted 2 weeks' time to file appropriate application for impleadment of party.

The question of maintainability of this writ petition is, however, kept open and would be considered on the next date.

JUDGE

Comparing Assistant