GAHC010233492026

2026:GAU-AS:15697

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

Case No. : WP(C)/5759/2026

BISWAJIT PAUL
S/O. LATE RANJIT PAUL, VILL. LAKHIPUR PART-I, P.O. AND P.S. KALAIN, DIST.. CACHAR, ASSAM, PIN-788815.

VERSUS

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

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI
PIN.781022.

3:THE ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES
SILCHAR
ASSAM
PIN.788001.

4:THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
SILCHAR
DISTRICT CACHAR
ASSAM
PIN.788001.

5:KALAIN CO-OPERATIVE SOCIETY LTD
KALAIN
P.O. KALAIN

DISTRICT CACHAR
ASSAM
PIN.788815.

6:OFFICER-ON-MANAGEMENT
KALAIN COOPERATIVE SOCIETY LTD. CUM SENIOR INSPECTOR
/AUDITOR OF CO-OPERATIVE SOCIETIES
SILCHAR
DIST. CACHAR
ASSAM
PIN.788001.

7:MRINAL KANTI BHATTACHARJEE ALIAS MRINAL BHATTACHERJEE
S/O. LATE NANI GOPAL BHATTACHERJEE
R/O. VILL. KURKURI PART-I
P.O. AND P.S. KALAIN
DIST. CACHAR
ASSAM
PIN.788815

Advocate for the Petitioner : MR. S B LASKAR, MR. H A LASKAR,MS D DUTTA,MS. S KHATUN

Advocate for the Respondent : SC, CO OP,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 14-10-2026

Heard Mr. S.B. Laskar, learned counsel for the petitioner; and Ms. S.T. Bakht, learned counsel on behalf of Mr. S.K. Talukdar, learned Standing Counsel, Cooperation Department, Government of Assam for the respondent nos. 1, 2, 3, 4 & 6.

2. It is the case of the petitioner that the petitioner has been serving as Secretary of M/s Kalain Co-operative Society Ltd., District – Cachar ['the Society', for short], a cooperative society registered under the Assam Cooperative

Societies Act, 2007, as amended. The petitioner has projected that on 17.06.2026, he proceeded on medical leave and after recovery, he submitted his joining report on 16.07.2026. However, the Board of Directors of the Society passed a Resolution on 20.07.2026 whereby the respondent no. 7 has been appointed as the Secretary of the Society. But immediately thereafter, the Board of Directors of the Society got dissolved with the appointment of an Officer-on-Management. The Officer-on-Management so appointed has issued a Final Notice to the petitioner on 07.10.2026 directing the petitioner to hand over all books, records, registers, etc. in the possession and custody of the petitioner either to him or the respondent no. 7 under acknowledgment.

3. Aggrieved by such developments, the petitioner has submitted a Representation before the respondent no. 2 on 04.08.2026 alleging violation of the provisions of the Assam Co-operative Societies Act, 2007, as amended, and the registered bye-laws of the Society in the matter of his alleged removal as the Secretary of the Society.

4. Mr. Laskar, learned counsel appearing for the petitioner has submitted that as the Representation of the petitioner submitted before the respondent no. 2 on 04.08.2026 has remained pending, the limited prayer in this writ petition for consideration is for a direction to the respondent no. 2 to consider the Representation dated 04.08.2026 on merits and in accordance with law.

5. Ms. Bakht, learned counsel appearing for the respondent no. 2 has submitted that if the Representation dated 04.08.2026 is pending before the respondent no. 2 for consideration as on date, this writ petition may be

disposed of with a direction to the respondent no. 2 to take the Representation of the petitioner on board and to dispose of the same by passing a speaking order, after affording due opportunity of hearing to all the stakeholders including the petitioner and the respondent no. 7.

6. Mr. Laskar has agreed to the submission advanced by Ms. Bakht.

7. In view of the broad consensus arrived at by the learned counsel for the parties in the afore-stated manner, this Court is of the considered view that since the Representation dated 04.08.2026 submitted by the petitioner before the respondent no. 2 is stated to be pending for consideration at his end, the writ petition can be disposed of with a direction to the respondent no. 2 to take the said Representation of the petitioner on board and thereafter, to dispose of the same by a speaking order upon consideration on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of submission of a certified copy of this Order along with a copy of the writ petition with annexures by the petitioner at the office of the respondent no. 2. It is accordingly ordered.

8. It is further observed that while considering the Representation, the respondent no. 2 shall afford opportunity of hearing to all the concerned stakeholders including the petitioner and the respondent no. 7. The speaking order so passed is to be communicated to the concerned stakeholders including the petitioner, immediately thereafter.

9. It is clarified that this Court has not made any observation on the merits of

the contentions of the petitioner and therefore, the respondent no. 2 shall consider the Representation on its own merits and in accordance with law as per extent rules and regulations.

10. This order disposes of the writ petition.

JUDGE

Comparing Assistant