

Manipur High Court
L.K. Mohapatra, C.J.
CRP (CRP Art. 227) NO.26 of 2014 Dated: 25.05.2015.
Keithellakpam Nabakanta Singh Wakatliba meoi
Versus
Chongtham Ramananda Singh Case mayoknariba meoi.
A. Jagajit ... wakatliba meoigi ukil.
A. Bimol ... case mayaknariba meoigi ukil.

1. Wayel. Bharat sangbidhan-gi article 227 ki makhada tharakliba wakatche asina eng 2014gi Cooperative appeal case no. 1 da State Cooperative Tribunal, Manipur gi bicharpatina tarik 21.05.2014 da takhiba wayel adu chumde haina singnari. Wakatliba meoi asina tribunal aduda hannana appeal ama toukhibani.
2. Manipur Milk Producers Cooperative Union Limited ki sabhapatina akhannaba General Body meefam ama pangthoknaba tarik 17.1.2014 da khabarda notice ama fongkhi. Sabhapatina fongliba meefam pangthoknabagi notice adu Tribunal aduda thariba appeal adugi mapung oiba wafamni. Cooperative Tribunalda wakatliba meoi asi Manipur Milk Producers Cooperative Union Limited ki member amani, amadi cooperative union asisu Manipur Cooperative Societies Act, 1976 ki makhada ming chanduna sabhapati yaona meekhalda khallaba Director sabhagi meoi 10 su lei. Wakatliba meoi asina union asigi byelawsgi clause 26.2.15 amasung 15.4 gi matung inna sabhapatina union asigi general bodygi meefam natraga akhannaba general body gi meefam pangthoknaba notice adu thoknabagi shakti leite amasung madugumba notice adudi Managing Director khaktana tougadabani.
3. Wakatliba meoi asigi maikeidagi Tribunal aduda thamkhiba wafamdi byelawsgi matung inna Directoringgi sabhagi sabhapatina general natraga akhannaba general bodygi meefam kouba ngambagi shakti leite amadi asigumba general bodygi meefam asidi union asigi Managing Director khaktana koubagi shakti lei haibadu chummi hainaba byelaws asigi clause 26.2.15 da akhannaba mityeng thamkhi. Case asibu maiyoknariba meoigi maikeidagi Tribunal aduda thamkhiba wafamna Manipur Cooperative Societies Act, 1976 ki section 76(1) amadi semdoklaba byelawsgi matung inna sabhapatinasu general natraga akhannaba general bodygi meefam pangthoknaba meefam kouba yahalli amadi maram asina sabhapatina asigumba yetlakliba meefam ama pangthoknaba notice thokpa asi law thugaiba chingde haikhi.
4. Wakatlakliba meoi asigi mahut silliba khangheiraba ukil A. Jagajitna Tribunal adugi wayel adubu singnaraduna haikhi madudi karigumba mapung faraba byelaws leiraba amadi madugi clause amana union adugi Managing Director khaktabu general body natraga akhannaba general bodygi meefam pangthoknaba shakti pirabadi Manipur Cooperative Societies Act, 1976 ki section 76 ta piriba general body natraga akhannaba general bodygi meefam famnaba sabhapatina notice thoknabagi shakti adu sijinnaba ngamde.

5. Case mayoknariba meiogi khangheiraba ukil A. Bimolna byelaws shemhalliba Act amasung byelaws anigi marakta yetnaba ama leire haina court asida thamlakkhi. Mahakki matung inna byelaws asigi clause 26.2.15 ga Manipur Cooperative Societies Act ki section 76(1) anigi marakta yetnaba ama leiri, amadi maram asina asigumba fivam asida byelaws sing adubudi byelaws shemhalliba Act adu henna lumna louduna hanna khanagadabani. Pankhriba Act asigi section 76(1) gi matung inna sabhapatina general body natraga akhannaba general bodygi meefam pangthoknaba notice thokpa ngammi haina mahakna makha tana hairakkhi.

6. Manipur Milk Producers Cooperative union limited ki mari leinaba mapung faraba byelaws leire haibasida yetnaba leitre. Clause 2.3 gi matung inna 'Chairman' hairaga union asigi sabhapatibu khangnei. Clause 2.7 gi matung inna 'Managing Director' hairaga union asigi Directoringgi sabhana khanba Managing Directorbu khangnei. Clause 2.12 gi matung inna 'General meeting' haibasigi manungda akhannaba natraga mahoushagi oina matam matamgi oina pangthokpa membersinggi meefam adusu yaogani. Byelaws asigi clause 15.4 da piri madudi Directoringgi sabhagi mashing tangkhai henbana matam amahektada akhannaba membersinggi meefam ama kouba ngammi amasung madu union adugi member mashinggi yamdrabada sharuk manga thokpagi amana eraga pirakpa fam louthokpagi cherol fangbagi tha amagi manungda meefam adu kouba yai natraga Cooperative Societies gi Registrar na kouba ngammi. Byelaws asigi clause 26.2.15 da yaori madudi Managing Directorna byelaws asigi maung inna Directoringgi sabhagi meefam kougadabani amasung general body gi meefamdi Directoringgi sabhana khanghallakpa matamda natraga tangai fadaba maram leiraba natraga masing suraba membersingdagi eraga pirakpa fam louthokpagi cherol fanglaba natraga Registrarna khanghallakpa matamda kougadabani. Shemdoklaba byelawsgi clause 24.0da yaori madudi union asigi thabak thouram yengsinbagi thabak sabhapatina tougani. Asigumba niyamsing asi byelawsda leina leina, Manipur Cooperative Societies Act, 1976 ki section 76(1)na sabhapati natraga Directoringgi sabhagi masing yamba kangbuna akhannaba general bodygi meefam kouba ngamhalli amadi ashigumba meefam adu society adugi member mashinggi yamdrabada sharuk manga thokpagi amana eraga pirakpa fam louthokpagi cherol fangba matamda natraga Registrarna khanghallakpa matamda kougadabani.

7. Mathakta pankhriba lawgi oiba warolsing asigi wahanthok piraduna Tribunal aduna byelaws asina sabhapatigi thabak thouramsing mayek sengna pandabana Manipur Cooperative Societies Act, 1976 ki section 76(1)bu henna lumna louduna hanna khanagadabani amasung maram asina union asigi sabhapatina general body natraga akhannaba general bodygi meefam kounabagi notice thokpa ngammi haina wayel ama pirakkhi.

8. Wayelshang asida houjik khannagadaba wahangdi Manipur Cooperative Societies Act, 1976 ki section 76 amasung byelaws anigi marakta yetnaba leibra natraga leitabra haibasini. Wahang asiga mari leinana leibak asigi khwaidagi makokta leiba wayelshangna pikhiba wayel kharagi

manungdagi Mohammed Moinuddin and Ors v. Commissioner for Co-operation and Registrar of Cooperative Societies and Ors, (2014) 8 SCC 661: AIR 2014 SC 2680 haiba case asigi wayel adu mafam asida sijinnaba yai. Khwaidagi makokta leiba wayelshang asida Andhra Pradesh Cooperative Housing Society kouba society amaga mari leinaba case asi wayel chathei. Hairiba society asigi thabak thouramsing society adugi byelaws amakhakki makhada toue. Khwaidei makokta leiba wayelshang asida puthorakliba wafamdi society adubu lingkhatkhiba membersingna societydugi lam leishinba matamda areimal loinamak puthokkhi amasung maram asina society asigi lam pumnamak makhoikhaktada yenthoknaba ngamhalli haibasini. Adubu wafam asi wayelshang aduna yakhide maramdi society aduna lamdu leibani, lamgi mapu asi societyni amadi maram asina lam adu karamna shijinnagadage haibadu cooperative lingkhatpagi pathapsing, societydugi pandam amasung societydugi byelawsigi matung inna society aduna tougadabani. Maram asina byelaws aduda oina henna lumna loubaga loinana hanna khannakhi Andhra Pradesh Cooperative Societies Act, 1964 bu lumna loukhide. Houjikki case asida, clause 25.0 da union asigi Managing Director karamna hapkani amadi kari shakti leibage haibadu takli. Clause 26.2.15 ta hairi madudi Managing Directorna byelaws asigi matung inna mathou taba Directorsinggi sabhagi meefam kougadabani amasung sabha asina khanghallakpagi matung inna natraga tangaifadaba leiraba natraga mashing suraba membersingdagi fam louthokpagi aeba cherol fanglaba natraga Registrarna khanghallakpagi matung inna general bodygi meefam kouba ngammi. 'General meeting' haibasi karibu khangnabage haibagi wahanthok clause 2.12da piri amadi akhannaba amasung mayamgi oiba chahigi meefam adusu wahanthok asigi manungda konsilli. Maram asina byelaws asigi matung inna Managing Directorkhaktana adugumba chahigi meefam natraga akhannaba meefam kouba ngammi. Shemdoklaba byelawsigi clause 24.0da sabhapatibu union asigi thabak thouramsing yengsinabagi shakti piri. Byelawsigi clause 26.2.15 amsung Manipur Cooperative Societies Act, 1976gi marakta yetnaba leibarane? Atei tangaifadabasing suraba matamda section 76(1)gi matung inna sabhapati natraga Directorsinggi masing yambana akhannaba meefam kouba yahalli. Masigi khongthang asidi clause 26.2.15ki matung inna meefam kounaba Managing Director leitraba matamdata tougadabani. Khwaidagi makokta leiba wayelshanggi wayelnasu society ama chalaiba matamda byelawsigi matung inna tougadabani amasung byelawsdu henna lumna louduna hanna khannagadabani hai. Houjikki case asida yetnariba sabhapatina thokkhiba notice adu thokpa matamda union adugi Managing Director leite haibagi praman oiba yaba machak amatta leite. Case asi mayoknariba meoigi kangheiraba ukil Bimolna Managing Directorgi fam punnabagi matangda yetnaba khara leikhi haijarabasu wafam asi Tribunalgi mamangdadi puthokkhide.

Case asi mayoknariba meoigi kangheiraba ukil Bimolna Ispat Industries Ltd v. Commissioner of Customs, Mumbai, (2006) 12 SCC 583 haiba case adugi wayel adu puthorakkhi. Case aduda rules semhanlakliba Act amasung rules ki marakta yetnaba leikhi. Houjikki case asidadi byelaws semhanlakliba Act amasung byelaws anigi marakta yetnaba amata leite amadi maram asina

hairiba wayel adu case asida sijinnaba yade. Khangheiraba ukil asina atoppa case Veena Kumar Tandon v. Neelam Bhalla and Ors, (2007) 12 SCC 764: 2007 AIR SCW 7108 haibadusu puthorakkhi. Fonglaba case asida Maharashtra Co-operative Societies Act amasung societygi byelaws anigi marakta yetnaba leibadu neinei. Karigumba byelaws aduna madubu semhalliba Act adugi niyamsinggi wangmada oiraba natraga channadrabadi byelaws adu chatnaroi haina wayel pikhi. Eihakki wakhalda pankhriba wayel asisu houjikki case asida sijinnaba yade maramdi byelaws amasung Manipur Cooperative Societies Act, 1976 anigi marakta yetnaba amata leiba thengnade.

9. Byelaws asi neinaruraga sabhapatidi union asigi thabak thouramsing yengsinnabakhakki shakti lei amasung Managing Directorna meefam koubagi shati lei, maram asina sabhapatina thokkhiba notice adu shakti yaodana natraga shati pidana thokkhibani haina eina loure. Masiga loinana, eina wakat asi ayaba pibaga loinana shingnarakliba Tribunalgi wayel adu kakthatle.