



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 2 OF 2026 (CS-RES)

BETWEEN:

1. SRI VENKATESH
S/O SRI CHIKKAVENKATASWAMY
AGED ABOUT 53 YEARS
R/A: DIBBURU VILLAGE
KASABA HOBLI
CHIKKABALLAPURA TALUK
CHIKKABALLAPURA - 562 101

...APPELLANT

(BY SRI D.R. RAVISHANKAR, SENIOR ADVOCATE FOR
SMT. SIRI RAJASHEKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF CO-OPERATION
VIDHANA SOUDHA
BANGALORE - 560 001
2. THE DEPUTY REGISTRAR
OF CO-OPERATIVE SOCIETIES
CHIKKABALLAPUR
S.B.7, ADMINISTRATIVE BHAVAN
CHIKKABALLAPUR - 562 101



3. THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES
D.C. OFFICE COMPLEX
SIDLAGHATTA ROAD
CHIKKABALLAPUR - 562 101
4. THE DIBBURU VYAVASAYA SEVA
SAHAKARA SANGHA LTD.,
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER
DIBBURU VILLAGE
CHIKKABALLAPUR - 562 101
5. SRI P.N. MUNEGOWDA
S/O LATE NARAYANAPPA
AGED ABOUT 50 YEARS
R/AT. PURADAGADDE VILLAGE
DIBBURU POST, KASABA HOBLI
CHICKBALLAPUR TALUK
CHICKBALLAPUR - 562 101
6. SRI NAGARAJ N
S/O NARASAPPA
AGED ABOUT 36 YEARS
R/AT. GANGAREKALUVE VILLAGE
KASABA HOBLI
CHIKKBALLAPUR TALUK
CHICKBALLAPUR - 562 101
7. SRI N SUBBARAYAPPA
S/O NARASAPPA
AGED ABOUT 68 YEARS
R/AT DIBBURU VILLAGE
KASABA HOBLI
CHIKKABALLAPUR TALUK
CHIKKABALLAPUR - 562 101



8. SRI N.J. GOPINATH
S/O JAYACHANDRAPPA
AGED ABOUT 68 YEARS
R/AT. D. KURUBURAHALLI VILLAGE
KASABA HOBLI
CHIKKABALLAPUR TALUK
CHIKKABALLAPUR - 562 101
9. SRI K. RAMU
S/O D.K. KRISHNAPPA
AGED ABOUT 52 YEARS
R/AT. DIBBURU VILLAGE
KASABA HOBLI
CHIKKABALLAPUR TALUK
CHIKKABALLAPUR - 562 101
10. SRI VENKATESH
S/O MUNIKONDAPPA
AGED ABOUT 60 YEARS
R/AT. PURADAGADDE VILLAGE
KASABA HOBLI
CHIKKABALLAPUR TALUK
CHIKKABALLAPUR - 562 101

...RESPONDENTS

(BY SMT. NAMITHA MAHESH B.G., AGA FOR R-1 TO 4,
SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE A/W
SRI VARUN J. PATIL, ADVOCATE FOR
SRI MOHAMMED TAHIR, ADVOCATE FOR C/R No.5 TO 10)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE
ORDER DATED 04.12.2025 PASSED BY THE LEARNED SINGLE
JUDGE IN W.P. No.36645/2025 (CS-RES) AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 04.12.2025 [**the impugned order**] passed by the learned Single Judge in Writ Petition No.36645/2025 (CS-RES). The operative part of the impugned order reads as under:

- i) The writ petition is **disposed of**.
- ii) Respondent No.2 is directed to consider the appeal in accordance with law expeditiously atleast within three months from today. In the meantime, there shall be stay of Annexure-C till disposal of the appeal.
- iii) It is needless to state that both the parties shall co-operate with respondent No.2 in such expeditious disposal of the appeal.
- iv) Respondent No.2 shall not be influenced by any of the observations made in this appeal while disposing of the appeal on merits.

2. The writ petitioners, who were the directors of The Dibburu Vyavasaya Seva Sahakara Sangha Ltd. [**the Society**], had challenged an order dated 24.11.2025 passed by respondent No.3, The Assistant Registrar of Co-operative Societies, appointing a Special Officer to conduct the affairs of the Society. The appellant



was not a party to the said writ petition, as he was one of the Society's directors who had resigned.

3. The controversy essentially concerns whether a quorum of directors existed following the resignations of certain directors of the Society. According to the appellant, since there was no quorum, the order appointing the Special Officer (Order dated 24.11.2025) was fully justified and in accordance with law. The writ petitioners had also filed an appeal against the order dated 24.11.2025.

4. In the aforesaid circumstances, the learned Single Judge considered it apposite to direct that the appeal be considered by the Deputy Registrar of Co-operative Societies in a time-bound manner. Additionally, the learned Single Judge was persuaded to stay the order appointing a Special Officer, *inter alia*, on the ground that the resolution of the directors dated 27.09.2025 was not under challenge.

5. It is not necessary to examine the merits of the dispute in this appeal, as the learned Senior Counsel appearing for the appellant has confined to challenge to the solitary ground that the learned



Single Judge could not have passed the stay order, since an application filed by the writ petitioners seeking an interim stay of the said order had been rejected in the proceedings relating to the appeal preferred by the writ petitioners before the Deputy Registrar of Co-operative Societies. He submits that, in effect, there are now two contrary orders: one passed by the Deputy Registrar of Co-operative Societies declining the interim stay; and the other, the impugned order passed by the High Court staying the operation of the order appointing the Special Officer.

6. He submits that since the order dated 27.11.2025, whereby the writ petitioners' prayer for interim relief was rejected by the Deputy Registrar of Co-operative Societies, is not the subject matter of challenge, the learned Single Judge did not have the jurisdiction to pass the impugned stay order.

7. We find that the said contentions are insubstantial. A plain reading of the relief sought in the writ petition indicates that the writ petitioners had challenged the order appointing a Special Officer, which was also the subject matter of challenge before the Deputy Registrar of Co-operative Societies. The learned Single Judge had examined the same and, considering that the writ petitioner had



availed of an alternative remedy, relegated them to pursue the alternative remedy. However, the Court thought it fit to stay the said order for the reasons as set out in the impugned order.

8. The fact that the appellate authority had declined interim relief did not preclude the High Court from considering the challenge raised by the writ petitioners.

9. Clearly, the impugned order falls within the scope of the prayer made in the writ petition preferred by the writ petitioners. The same cannot be faulted on the ground that an interim relief had been rejected by the Deputy Registrar of Co-operative Societies.

10. The appeal is, accordingly, dismissed.

11. Pending applications, if any, also stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV
List No.: 2 Sl No.: 26