



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 13643 OF 2023 (CS-RES)

BETWEEN:

1. THE KHAMBADAKONE RAITHARA
SEVA SAHAKARI SANGHA LTD.,
UPPUNDA, BYNDOOR TALUK,
UDUPI DISTRICT,
REGISTERED UNDER CO-OPERATIVE
SOCIETIES ACT 1956,
REP BY ITS PRESIDENT,
S PRAKASHCHANDRA SHETTY,
AGED ABOUT 63 YEARS,
S/O Y CHANDRASHEKAR SHETTY,
MEKODU, 11TH ULLURU,
MUDUMATTA POST, BYNDOOR TALUK,
UDUPI DISTRICT-572101.
(SENIOR CITIZEN BENEFIT NOT CLAIMED).
2. ESHWAR HAKLATHOD
AGED ABOUT 56 YEARS,
S/O MARLA HAKLATHOD,
R/O HAKLATHOD, POST.KAMBADAKONE,
BYNDOOR TALUK, UDUPI DISTRICT-572101.
(SENIOR CITIZEN BENEFIT NOT CLAIMED).
3. GURURAJ HEBBAR
AGED ABOUT 44 YEARS,
S/O SHESHAGIRI HEBBAR,
R/O KAMBADAKONE MAIN ROAD,
KAMBADAKONE POST, BYNDOOR TALUK,
UDUPI DISTRICT-572101,
(SENIOR CITIZEN BENEFIT NOT CLAIMED).

...PETITIONERS

(BY SRI. K PRASANNA SHETTY.,ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
VIKAS SOUDHA, BANGALORE-560001,
REP BY ITS SECRETARY.
2. THE REGISTRAR
CO-OPERATIVE SOCIETIES,
ALI ASKER ROAD,
BANGALORE-560052.
3. THE ASSISTANT REGISTRAR
CO-OPERATIVE SOCIETIES,
KUNDAPUR SUB DIVISION,
SANJEEVA PRABHU BUILDING,
MASTIKATTE ROAD, KUNDAPURA-576101

...RESPONDENTS

(BY SRI.YOGESH D NAIK - AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF APPROPRIATE NATURE TO DECLARE THAT SEC 129A OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT IS ULTRA VIRES TO ARTICLE 19(1) (C), ARTICLE 43B OF THE CONSTITUTION OF INDIA AND ETC.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH



ORAL ORDER

Heard learned counsel appearing for the parties.

2. In this petition, the petitioners are challenging the validity of Section 129-A of the Karnataka Co-operative Societies Act, 1959 (hereinafter referred to as "the Act" for brevity) as the same is in violation of Article 19(1)(c) and Article 43B of the Constitution of India, *inter alia* sought for quashing the order dated 17.03.2023, Annexure-C to the writ petition.

3. Sri K Prasanna Shetty, learned counsel appearing for the petitioners submitted that, the petitioners are not pressing prayer No.1 as to the validity of Section 129-A of the aforementioned Act. Learned counsel contended that, perusal of Annexures- D and E would indicate that the respondent-authorities have made it mandatory to implement Section 129-A of the Act so as to adopt the Model Bye-laws and in this regard, learned counsel places reliance on the judgment of this Court in W.P.No.16067 of 2023 disposed of on 28.08.2025. Accordingly sought for an identical order in this writ petition.



4. Per contra, Sri Yogesh D Naik, learned AGA refers to Section 129-A(3) of the Act and submitted that, it is the duty of the Society to implement Section 129-A of the Act. Accordingly, sought for dismissal of the petition.

5. I have considered the submission made by the learned counsel appearing for the parties and carefully examined the reasons assigned in Annexures- D and E to the writ petition wherein the respondent-Authorities have directed the petitioner-Society to implement Section 129A of the Act. In this regard, it is relevant to extract paragraphs No.6 and 7 of the W.P.No.16067 of 2023 disposed of on 28.08.2025, which reads as under :

"6. The impugned proceedings have emanated by virtue of the powers vested in the respondents under Section 129A of the Act of 1959. The petitioners have not challenged the vires of Section 129 of the Act of 1959. Be that as it may, a reading of Section 129A of the Act of 1959 makes it more than evident that the Co-operative Society is at liberty to adopt model bye-laws with or without modification, which thereby means that the model bye-laws which suits the petitioner No.1 could alone be incorporated and adopted. Therefore, the apprehension of the petitioner No.1 that by adopting model bye-laws, its constitution would be affected, is



misplaced. The petitioner No.1 is at liberty to pick up only those bye-laws from the model bye-laws, which are suitable for its existence and operation and whatever that does not suit the petitioner No.1 or its business, the same may not be adopted. If the petitioner No.1 has any grievance, it may approach the Registrar as provided under Section 129A(3) of the Act of 1959 and seek appropriate reliefs from the Registrar.

7. The writ petition stands disposed off on the above terms. The petitioner No.1 is at liberty to place the adopted model bye-laws before the Annual General Meeting and proceed in accordance with law."

8. In that view of the matter, without going into the merits of the case, by following the declaration of law made by this Court in W.P.No.16067 of 2023 (*supra*), the petitioner-Society is at liberty to place the Adopted Model Bye-laws before the Annual General Meeting and proceed in accordance with law.

With this observation, writ petition is ***disposed*** of.

**SD/-
(E.S.INDIRESH)
JUDGE**

RS
List No.: 2 Sl No.: 42