



CNR: KAHC010341322026

NC: 2026:KHC:55953
WP No. 15518 of 2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 15518 OF 2026 (GM-KSR)

BETWEEN

NAGARBHAVI CLUB (R)
C.A.NO.6/7, 10TH DIVISION,
NAGARBHAVI 2ND STAGE,
BENGALURU - 560072,
REPT. BY ITS PRESIDENT
SRI. V. PRAKASH
S/O LATE VENKATARAMAIAH,
AGED ABOUT 66 YEARS

... PETITIONER

(BY SRI. D.R. RAVISHANKAR., SR. COUNSEL FOR
SRI. SARAVANA S., ADVOCATE)

AND



1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT,
CO-OPERATION DEPARTMENT,
6TH FLOOR, MULTI-STOREY,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560001.
2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
NO. 1, ALI ASKAR ROAD,
BENGALURU - 560052.
REPT.BY ITS SECRETARY.
3. DEPUTY REGISTRAR OF SOCIETIES,
1ST ZONE, BENGALURU URBAN DISTRICT,
SAHAKARA SOUDHA, NO.1461, 1ST FLOOR,
3RD MAIN ROAD, MARGOSA ROAD
MALLESWARAM,

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BENGALURU-560003.

4. ASSISTANT REGISTRAR OF SOCIETIES,
1ST ZONE, SAHAKARA SOUDHA
NO.1461, 1ST FLOOR, 3RD MAIN ROAD,
MARGOSA ROAD, MALLESWARAM
BENGALURU-560003.

5. SHRI VENKATESH N.,
JOINT REGISTRAR (ICDP)
OFFICE OF THE REGISTRAR OF
CO-OPERATIVE SOCIETIES, BENGALURU,

PRESENTLY APPOINTED AS ADMINISTRATOR
OF NAGARABHAVI CLUB (REGISTERED), BENGALURU
NO. 6/7, 10TH DIVISION,
NAGARBHAVI 2ND STAGE,
BENGALURU-560072.

...RESPONDENTS

6. DR. K C YATISH KUMAR
S/O K. A. CHINNAPPA,
AGED ABOUT 63 YEARS,
R/AT: NO.39, 2ND CROSS, 10TH BLOCK, NAGARBHAVI
2ND STAGE, BANGALORE-560072.
MEMBERSHIP NO. LM 1560.
7. LT. CDR. MADHAV T VITTAL (RETD)
S/O GAYATHRI VITTAL.
AGED ABOUT 45 YEARS
R/AT: NO.330, 7TH CROSS, NGEF LAYOUT,
NRUPATUNGA NAGAR,
BANGALORE-560072.
MEMBERSHIP NO. LM 1546.
8. SRI. K N PRASANNAKUMAR.
S/O NINGAPPA
AGED ABOUT 69 YEARS
R/AT: 42-43, 13TH CROSS,
PP. SBI BANK, MALAGALA,
NAGARBHAVI 2ND STAGE,
BENGALURU-560091.
MEMBERSHIP NO. LM 680.
9. SRI. BHASKAR BANGALORE SRINIVAS.



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C/O M SRINIVASA
AGED ABOUT 59 YEARS
R/AT: NO.82/1, PRADYOTHA,
13TH CROSS, JAYALAKSHMAMMA LAYOUT,
NAGARBHAVI 2ND STAGE, PAPAREDDY PALYA,
BENGALURU-560072.
MEMBERSHIP NO. LM 1295.

10.SRI. P KRISHNAMURTHY.
S/O PARVATHAIAH.
AGED ABOUT 60 YEARS
R/AT: NO.35, CHETHAN KUTTER,
OPP. BHAGAVAN LAW HOSTEL,
KOTTEGE PALYA, NAGARBHAVI 2ND STAGE,
BANGALORE-560091.
MEMBERSHIP NO. LM 446.

11.SRI. M B MAHESH
AGED ABOUT 62 YEARS.
R/AT: NO. 832, 5TH CROSS, 11TH BLOCK,
NEAR TERIGE BHAVAN, NAGARBHAVI,
BANGALORE-560072.
MEMBERSHIP NO. LM 1308.

12.SRI. GOPI KRISHNA K S.
S/O LATE. SANJEEVAIAH.
AGED ABOUT 57 YEARS.
R/AT: NO.227, 8TH MAIN ROAD, 9TH BLOCK,
NAGARBHAVI 2ND STAGE,
BANGALORE-560072.
MEMBERSHIP NO. LM 1206.

13.SRI. H R ARVIND.
S/O HN RANGARAJAN.
AGED ABOUT 60 YEARS
R/AT: NO.88, 9TH BLOCK, 12TH MAIN,
NAGARBHAVI 2ND STAGE,
BANGALORE-560072.
MEMBERSHIP NO. LM 250.

14.SRI. RAJANNA Y R
S/O RANGASHAMAIAH
AGED ABOUT 57 YEARS
R/AT: NO.27, 2ND CROSS, 2ND MAIN,

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13TH BLOCK, NAGARBHAVI 2ND STAGE,
BENGALURU-560072.
MEMBERSHIP NO. LM 1632

15. SRI. B R SUSHIL KUMAR NAIDU
C/O RAJGOPAL
AGED ABOUT 42 YEARS
R/AT: NO.195, 2ND G MAIN,
11TH BLOCK, NAGARBHAVI 2ND STAGE,
BANGALORE-560072.
MEMBERSHIP NO. LM 1378
16. SRI H M RAMESH
S/O N MADEGOWDA
AGED ABOUT 63 YEARS
R/AT: NO.9 BELUKU, 2ND CROSS,
13TH BLOCK, APPROVA LAYOUT,
NAGARBHAVI 2ND STAGE,
BANGALORE-560072.
MEMBERSHIP NO. LM 860
17. SRI. CHANDRASHEKAR G
S/O B.V GOPAL
AGED ABOUT 51 YEARS
R/AT NO.886, 9TH MAIN,
13TH CROSS, 13TH BLOCK,
NAGARBHAVI 2ND STAGE,
BANGALORE-560072.
MEMBERSHIP NO. LM 900
18. SRI. DHANANJAYA HS
S/O H K SIDAPPA GOWDA
AGED ABOUT 62 YEARS
R/AT: NO.794, SAMRDHI, 11TH MAIN ROAD,
12TH CROSS, VINAYAKA LAYOUT,
NAGARBHAVI, BANGALORE-560072.
MEMBERSHIP NO. LM 605
19. SRI. MAHESH BALAIAH ASWATHAIYA
S/O ASWATHAIYA BALAIAH
AGED ABOUT 45 YEARS
R/AT: 506, 9TH MAIN ROAD, ITI LAYOUT,
80 FEET ROAD, MALLATHAHALLI,
BENGALURU-560056.

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MEMBERSHIP NO. LM 801

20. SRI. SANTOSH NAGASUNDARAN SHROFF.
S/O NAGASUNDARAN SV
AGED ABOUT 49 YEARS
R/AT: NO. 761, 3RD CROSS, 11TH BLOCK,
NAGARBHAVI 2ND STAGE,
BENGALURU-560072.
MEMBERSHIP NO. LM 910

21. SRI. MURTHY NLN
S/O G NANJAPPA
AGED ABOUT 43 YEARS
R/AT: NO.199, 2ND STAGE, 1ST BLOCK,
NEAR BDA COMPLEX,
NAGARBHAVI BENGALURU-560072.
MEMBERSHIP NO. LM 1606.

.... IMPEADING RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA., AAG FOR R1 TO R5;
SRI. C.M. DHANANJAYA., ADVOCATE FOR
IMPEADING R6 & R7;
SRI. K.M. PRAKASH ADVOCATE FOR
IMPEADING RESPONDENT ON I.A.2/26)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, QUASHING AND SETTING ASIDE INQUIRY REPORT DATED 10.03.2026 IN NO.ARB-44/ KALAM-25-CR-2/2025-26 AS PER ANNEXURE-D, SUBMITTED BY THE INQUIRY OFFICER (ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES, 1ST ZONE). THE PROPOSAL/RECOMMENDATION DATED.23.03.2026 IN NO.DRB-1/A.NE./101/2025-26 AND 27.03.2026/09.04.2026 IN NO. JUM.NI(ICDP)/SUM.SUM 02/31/2023-24, AS PER ANNEXURE-E AND E1, MADE BY RESPONDENT NO.2 AND 3 FOR APPOINTMENT OF AN ADMINISTRATOR. THE SHOW CAUSE NOTICE DATED 09.04.2026 VIDE NO. CO 82 CSR 2026, AS PER ANNEXURE-F ISSUED BY RESPONDENT NO.1 AND ETC.

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THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 14.08.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioner-Nagarbhavi Club is before this Court seeking for the following reliefs:

A. Issue a Writ of Certiorari or any other appropriate writ, order, or direction, quashing and setting aside Inquiry Report dated. 10.03.2026 in No.ARB-44/ KALAM-25-CR-2/2025-26 as per Annexure-D, submitted by the Inquiry Officer (Assistant Registrar of Cooperative Societies, 1st Zone). The proposal/recommendation in dated. 23.03.2026 27.03.2026/09.04.2026 No.DRB-1/A.Ne./101/2025-26 in No. and JUM.NI(ICDP)/SUM.SUM 02/31/2023-24, as per Annexure-E & E1, made by Respondent No.2 & 3 for appointment of an Administrator. The Show Cause Notice dated 09.04.2026 Vide No. CO 82 CSR 2026, as per Annexure-F, issued by Respondent No.1;

A(i). Issue a Writ of Certiorari or any other appropriate writ, order or direction, quashing and setting aside the order dated 14.05.2026 passed by the 1st Respondent in No.C.O.82 CSR 2026[Ba.1] appointing 5TH Respondent as Administrator of the Petitioner-club as per Annexure-H; and

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B. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. The Petitioner-Nagarbhavi Club is a Society registered under the Karnataka Societies Registration Act, 1960 (hereinafter referred to as '**the Act**' for brevity) with over 2000 members. The said Club is stated to be in the advanced stages of completing its new club building, having mobilised funds through membership fees, donations, mortgage loans from Veerashaiva Co-operative Bank, and contributions from members.
3. On 17.11.2025 and 10.01.2026, complaints were filed by two members of the club, namely Sri. K. Puttaswamy Gowda and Sri Hanumantharayappa, alleging certain irregularities in the functioning of the Club.
4. By proceedings dated 09.12.2025, Respondent No. 3, Deputy Registrar of Societies, appointed Respondent No. 4, Assistant Registrar of Societies, as an Enquiry Officer under Section 25 of the Act to enquire into the allegations. The Enquiry Officer was directed to examine 30 specific allegations. In furtherance of this, an enquiry report was submitted on

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10.03.2026, proposing the appointment of an Administrator. The State Government issued a show cause notice on 09.04.2026 to the Petitioner. The Petitioner submitted an explanation on 18.04.2026 rebutting the allegations. It is challenging the enquiry report, the recommendation for appointment of an Administrator and the issuance of a show cause notice that the Petitioner is before this Court.

5. Sri. D. R. Ravishankar, learned Senior Counsel appearing for the Petitioner, would submit that:

5.1. The complaints had been filed by Sri.K.Puttaswamy Gowda, who is the President of the Congress Party Labour Wing and a BDA Member. His submission is that the said complaints are politically motivated. He had harboured a personal vendetta against the Club because he had failed to pay the full membership fee of Rs.5,94,000/- and had paid only a sum of Rs.1,22,000/-. He alleges that Sri. K. Puttaswamy Gowda demanded a bribe from the Club to issue a Completion Certificate (CC) and Occupation Certificate (OC) from the BDA for the club building, which the Executive

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Committee refused. He had also demanded bribe money for the allotment of a second CA site to the Club.

5.2. In furtherance of which, the Club had initiated disciplinary action on 21.11.2025. It is known that the Club is going to initiate disciplinary proceedings; he had filed the aforesaid complaint on 17.11.2025 as a pre-emptive strike to shield himself from disciplinary proceedings.

5.3. His submission is that the Annual General Meeting held on 01.02.2026 was disrupted by non-members and politically motivated elements who forcibly occupied the stage, abused office bearers and prevented the meeting from proceeding as per the agenda.

5.4. The entire basis of the allegation is only to try and coerce the Club into making payment of bribe money. Since the Executive Committee of the Club had refused to make payment of the same, he has made use of his contacts in the official machinery for the Registrar to take up the matter under Section 25 of the Act.

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5.5. His submission is that the allegations which have been made are as regards the regular internal functioning of the club. The accounts of the club are audited by auditors. The audit reports have been accepted by the Goods and Services Tax Department as well as the Income Tax Department. Those accounts having been accepted by those departments, the allegations are only to force and coerce, as well as harass, the administration of the Club.

5.6. He submits that on receipt of the enquiry notice, the hearings held on 20.01.2026, 04.02.2026, 18.02.2026 and 04.03.2026, the Petitioner had submitted explanations along with documents, which were not accepted by the Enquiry Officer. The Enquiry Officer has acted contrary to the procedure and has conducted the enquiry in a grossly unfair, biased and prejudicial manner, resulting in the submission of a report which is perverse and unsustainable.

5.7. He submits that on 04.02.2026, the President, Vice-President, Secretary, Joint Secretary and Executive Committee Members appeared before

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the Enquiry Officer and submitted a detailed 11-page explanation along with approximately 400 pages of supporting documents, which was refused to be accepted by the Enquiry Officer without assigning any reason. These documents, not having been accepted and taken on record, have been deliberately omitted in the enquiry report.

5.8. His submission is that if these documents had been accepted, the question of the enquiry report being submitted as it was done would not arise.

5.9. On 04.03.2026, the Secretary and Treasurer appeared and submitted written replies to the allegations with approximately 1350 pages of documents, which were also not accepted by the Enquiry Officer. Those documents not being accepted were also not part of the enquiry report. During the course of the enquiry, not only the enquiry officer but also several other persons who were present were neither officers of the concerned Department nor members of the Club. The enquiry proceedings were conducted in an atmosphere of intimidation and



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coercion, including a fear of physical violence against the office bearers of the Club.

5.10. His submission is that these entire proceedings have been recorded through CCTV, as well as photographs taken, which would establish that the persons who were present during the enquiry had no business to be present for such an enquiry. The enquiry officer had been instructed to enquire into 30 specific allegations as raised by the aforesaid person. The enquiry officer has acted as a mouthpiece of the complainants, refusing to consider any defence material and has proceeded to record a one-sided, predetermined conclusion. He reiterates that the entire proceedings of the enquiry were illegal, arbitrary, mala fide and violative of the principle of natural justice.

5.11. His submission is that more than 1700 pages of material, including the first-time run of 400 pages and the second-time run of 1350 pages, were not considered by the Enquiry Officer. The Enquiry Officer has acted under the influence of the complainants.

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5.12. The other complainant, Mr Hanumantharayappa, is a retired Additional Registrar of Societies who has used his good offices during the course of the enquiry to get a biased report submitted against the Club.

5.13. He submits that during the pendency of the above writ petition, Respondent No.1, vide order dated 14.05.2026, has appointed the Joint Registrar as an Administrator for a period of six months. Relying on the enquiry report and the proposals which are under challenge in this writ petition, his submission is that the State ought not to have appointed an Administrator when this Court was seized of the earlier proceedings.

5.14. The State, vide its order dated 14.05.2026, has held that the AGM for the year 2024-25 was not conducted legally, audit approval for the year 2025-26 was not obtained and that the Petitioner-Club has failed to address or rebut the 30 charges framed.

5.15. His submission is that, having been called on 01.02.2026, the meeting was disrupted by the complainants and their men, who are not even

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members of the club. Hence, the contention that the Petitioner-Club did not conduct a proper meeting is negated by the documents on record.

5.16. Insofar as the audit reports are concerned, he submits that they have been regularly filed with the statutory Authorities, including the Income Tax Department and the GST Department, which the State has not considered. The order of the State dated 14.05.2026 is a non-speaking order, a cryptic order, mechanically reproducing the enquiry report without application of mind. As such, he submits that the same is contrary to Section 27-A(1)(c) of the KSR Act. He refers to Section 27 -A of the KSR Act, which is reproduced hereunder for easy reference:

27A. Appointment of Administrator.-

Notwithstanding anything in this Act,—

(1)(a) where any society on account of the pendency of litigation or otherwise has not held or is unable to hold the annual general meeting; or

(b) where the term of office of the members of the governing body of a society has expired and a new

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*governing body has not for any reason been constituted;
or*

(c) where on a report made by the Registrar or otherwise, on enquiry, the State Government considers it necessary in public interest so to do, the State Government may, by order published in the official Gazette, appoint an Administrator for such society for such period, not exceeding six months, as may be specified in the order, to manage the affairs of the society:

Provided that for reasons to be recorded in writing, the State Government may, by like order, extend either prospectively or retrospectively, the said period by any further periods not exceeding six months at a time, so however subject to the provisions of clause (5), the aggregate period shall not extend beyond four years;

(2) the expenditure incurred by the State Government towards the salary and allowances of the Administrator shall be paid to the State Government from out of the funds of the society;

(3) on the appointment of the Administrator under clause (1) and during the period of such appointment the governing body of the society shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations or any other law and subject to any directions which the State Government, may from time to time issue, all such functions or duties shall be performed or discharged by the Administrator;

(4) the Administrator shall, before the expiry of the period of his appointment take necessary action to convene the general body meeting of the society and hold elections for the constitution of the governing body;

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(5) if the Administrator is not, for reasons beyond his control, able to convene the general body meeting or in spite of such meeting being convened, the general body fails to elect the governing body, the Administrator shall forthwith send a report to the State Government, who may pass such orders as are considered necessary, either extending the period of appointment of the Administrator for a further period or if satisfied that public interest so requires, for the dissolution of the society;

(5A) the State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the administrator appointed under sub-Section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the Advisory Council shall hold office during the pleasure of the State Government.

(6) where an order of dissolution is passed under sub-Section (5) the assets of the society shall vest in and the liabilities shall devolve on the State Government.

5.17. By relying on Section 27-A of the KSR Act, he submits that Section 27 confers a specific statutory power upon the State Government to appoint an Administrator and that such power can be exercised only when one or more of the contingencies expressly contemplated under sub-Section (1)(a), (b) or (c) is satisfied. The Registrar or the Enquiry Officer does not possess an independent power to appoint an Administrator under Section 27-A.

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5.18. He submits that the three clauses contained in Section 27-A(1) contemplate different circumstances in which the State Government may intervene in the management of a registered Society. Clause (a) relates to a situation where the Society has not held, or is unable to hold, its Annual General Meeting on account of pending litigation or otherwise; Clause (b) relates to expiry of the term of office of the governing body without constitution of a new governing body; and Clause (c) relates to a situation where, on a report made by the Registrar or otherwise, and upon enquiry, the State Government considers it necessary in the public interest to appoint an Administrator.

5.19. His submission is that the requirement of an enquiry is not confined only to Clause (c) of Section 27-A(1), but extends to all three contingencies contemplated under Clauses (a), (b) and (c). According to him, the expression "on enquiry" occurring in Section 27-A(1) has to be understood in the context of the substantive power conferred upon the State Government to appoint an Administrator and the serious consequences flowing from such

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appointment. The State Government, being the authority empowered to displace the duly constituted governing body and vest its powers and functions in an Administrator, cannot exercise such power mechanically or merely upon the assertion that one or the other circumstance contemplated under the provision exists.

5.20. He submits that although Clauses (a), (b) and (c) identify different circumstances in which appointment of an Administrator may become necessary, the satisfaction of the State Government regarding the existence of the relevant circumstances must necessarily be based upon an appropriate enquiry into the facts. In his submission, the distinction between the three clauses relates to the nature of the circumstances which may warrant intervention, and not to the requirement that the State Government must satisfy itself, upon an enquiry, that intervention by appointment of an Administrator is warranted in the circumstances of the case.

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5.21. According to him, Clause (a) concerns a situation where the Society has not held, or is unable to hold, its Annual General Meeting due to litigation or otherwise; Clause (b) concerns a situation where the term of the governing body has expired and a new governing body has not been constituted; and Clause (c) concerns a situation where, on the basis of a report of the Registrar or otherwise, the State Government, upon enquiry, considers such appointment necessary in public interest. His submission is that, notwithstanding the difference in the factual circumstances contemplated under the three clauses, the State Government must first ascertain whether the foundational facts exist and whether the appointment of an Administrator is actually warranted before exercising the power under Section 27-A.

5.22. He submits that the requirement of enquiry assumes greater significance because appointment of an Administrator under Section 27-A has the effect of bringing the functioning of the elected governing body to an end. Under Section 27-A(3), upon appointment of an Administrator, the governing body ceases to

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exercise its powers and functions and the Administrator assumes those powers and functions, subject to the directions of the State Government. Thus, according to him, the statutory power is not merely administrative or ministerial in character, but directly affects the constitution and functioning of the Society and the rights of its elected governing body.

5.23. His submission is that the State Government cannot, therefore, proceed on the basis of a mere allegation, assumption or unverified assertion regarding the existence of any of the circumstances under Section 27-A(1). It must examine the relevant records and material, ascertain the factual position, afford the concerned Society a reasonable opportunity to place its case, consider the explanation and material produced by it, and thereafter arrive at an independent satisfaction as to whether the statutory conditions for appointment of an Administrator stand established.

5.24. His submission is further that, where the State Government proposes to act under Clause (a), he submits that the State Government must



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ascertain whether the Society had in fact failed to hold its Annual General Meeting or was unable to hold the same and, more importantly, whether the circumstances relied upon fell within the statutory expression "due to litigation or otherwise." According to him, the existence of a dispute or difficulty by itself cannot result in automatic appointment of an Administrator without the State Government examining the factual circumstances and satisfying itself that the statutory contingency contemplated by Clause (a) is made out.

5.25. Likewise, in relation to the ground in Clause (b) that the term of the governing body has expired and a new governing body has not been constituted, it must ascertain whether the governing body's term had in fact expired, whether a new governing body had actually not been constituted, and whether the factual circumstances relied upon for invoking Clause (b) existed on the relevant date. In his submission, these facts cannot be presumed and must be determined upon an appropriate enquiry into the records and circumstances of the Society.

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5.26. He further submits that, where the proposed appointment is founded upon a report of the Registrar or an Enquiry Officer in terms of Clause (c), such report cannot be treated as conclusive or as automatically resulting in appointment of an Administrator. The report, according to him, constitutes only material before the State Government. The State Government is required to independently examine the report, the material upon which it is founded, the objections or explanation of the Society and the circumstances emerging from the record, and thereafter take its own decision under Section 27-A.

5.27. He submits that this requirement cannot be diluted merely because the Registrar or an authorised person has already conducted an enquiry under Section 25 of the Act. According to him, an enquiry under Section 25 and the exercise of power by the State Government under Section 27-A operate at different stages and serve different purposes. The former is an enquiry into the constitution, working and financial condition of the Society, whereas the latter involves the exercise of the statutory

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power of appointing an Administrator. Consequently, the State Government cannot abdicate its statutory responsibility by merely adopting the findings or recommendation of the Registrar or the Enquiry Officer.

5.28. He submits that the requirement of an enquiry is also consistent with the scheme of Section 27-A as a whole. The provision contemplates appointment of an Administrator only for a specified and limited period, requires reasons to be recorded in writing, and casts an obligation upon the Administrator to convene the general body and conduct elections before expiry of the period of administration. According to him, these safeguards demonstrate that administration by an Administrator is intended to be an exceptional and temporary measure and not a substitute for the elected governing body.

5.29. He therefore submits that, irrespective of whether the State Government invokes Clause (a), Clause (b) or Clause (c), it must independently ascertain the existence of the circumstances relied upon and apply its mind to

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the necessity of appointing an Administrator. Where the proposed action is based upon allegations of mismanagement, financial irregularities or other adverse findings emerging from a Section 25 enquiry, such consideration must necessarily include furnishing the relevant material to the Society, considering its explanation and objections, and arriving at an independent satisfaction on the material available.

5.30. His specific grievance, therefore, is that the impugned action cannot be sustained if the State Government has merely acted upon the report or recommendation of the Registrar/Enquiry Officer without undertaking the requisite enquiry and without independently satisfying itself that appointment of an Administrator was warranted under the particular clause of Section 27-A(1) invoked in the impugned order. According to him, the statutory power under Section 27-A is vested in the State Government alone, and that power must be exercised upon due application of mind to the statutory conditions and the material placed before it.

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5.31. His submission, however, is that the expression "on enquiry" occurring in Clause (c) cannot be read in isolation from the opening words of Section 27-A(1) or from the scheme of the provision as a whole. According to him, before the State Government exercises the power of appointing an Administrator, it is required to ascertain whether the statutory conditions warrant such intervention and, where the appointment is founded upon allegations of irregularity or mismanagement, the State Government must undertake the requisite enquiry and arrive at the necessary satisfaction regarding the public interest involved in all three circumstances.

5.32. He submits that the powers under Section 27-A can be exercised by the government only if it is satisfied that in the public interest it is necessary or expedient that an administrator is appointed, that such administrator be appointed. His submission is not the interest of members *inter se* who are governed by the byelaws of the Society, which is a contractual arrangement.



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5.33.If at all the complainants had any issue as regards the functioning of the Society, it was for the complainant to approach the Civil Court of competent jurisdiction seeking suitable remedies, not to involve the official Respondents in the matter. The complainants had involved the official Respondents because the official Respondents were to assist the complainants, which has been filed. On assessment, they ought to have arrived at a conclusion that the disputes are a private *lis* between the parties in which the optional machinery cannot be put into motion under Section 25 of the KSR Act, which is reproduced hereunder for easy reference:

25. Enquiry by the Registrar, etc.-

(1) The Registrar may on his own motion and shall on the application of the majority of the members of the governing body or of not less than one-third of the members of the society, hold an enquiry or direct some person authorised by him by order in writing in accordance with the rules made in this behalf to hold an enquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the person authorised by him under sub-Section (1) shall have the following powers, namely,—

(a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other

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properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof;

(b) he may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath;

(c) (i) he may, notwithstanding anything contained in this Act or in any rule or regulation prescribing the period of notice for a general meeting of the society, require the governing body of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him. If the governing body of the society refuses or fails to call a meeting, he shall have power to call it himself;

(ii) any meeting called under sub-clause (i) shall have all the powers of a general meeting called under the rules or regulations of the society and its proceedings shall be regulated by such rules or regulations;

(iii) when an enquiry is made under this Section, the Registrar shall communicate the result of the enquiry to the society concerned.

5.34. By referring to Section 25 he submits that it contemplates a structured statutory enquiry into the constitution, working and financial condition of a registered Society. The Registrar may conduct such enquiry himself or, by an order in writing, authorise another person to conduct the enquiry in accordance with the

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Rules. The enquiry, therefore, is not an informal fact-finding exercise, but a statutory proceeding governed by the Act and the Rules.

5.35. He submits that the expression "constitution, working and financial condition" occurring in Section 25(1) is only restricted to the manner in which the Society is constituted and governed, the functioning of its governing body, compliance with its bye-laws, maintenance and utilisation of its funds of the Society.

5.36. He further submits that Section 25(2) confers significant statutory powers upon the Registrar or the person authorised by him for the effective conduct of the enquiry. These include access to the books, accounts and documents of the Society, power to summon persons having custody of such records and power to summon and examine persons having knowledge of the affairs of the Society.

5.37. According to him, the conferment of such extensive powers necessarily carries with it a corresponding obligation to conduct the enquiry fairly and in accordance with the procedure prescribed under the Act and Rules. The

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enquiry cannot be reduced to a unilateral collection of material against the Society without affording the Society an effective opportunity to explain the material relied upon against it.

5.38. He submits that this requirement is further reinforced by Section 25(2)(c)(iii), which expressly provides that, when an enquiry is made under Section 25, the Registrar shall communicate the result of the enquiry to the Society concerned. The statutory requirement of communication is intended to ensure that the Society is made aware of the findings reached in the enquiry and is not kept unaware of the conclusions drawn against it.

5.39. His submission is that the requirement to communicate the result of the enquiry cannot be treated as an empty or ministerial formality, particularly where the enquiry report is subsequently proposed to be relied upon for taking consequential action against the Society or its governing body. Communication of the result enables the Society to know the findings recorded against it and to avail itself of such

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remedies or opportunities as may be available to it in law.

5.40. His submission is that the person authorised by the Registrar under Section 25(1) does not acquire an independent statutory power beyond the authority delegated to him. He conducts the enquiry on behalf of the Registrar and in accordance with the Act and Rules. The findings emerging from such enquiry therefore constitute the result of a statutory enquiry and cannot, merely because they have been recorded by an authorised Enquiry Officer, be treated as the final decision of the competent authority.

5.41. He further submits that the statutory requirement under Section 25(2)(c)(iii) is cast in mandatory terms, namely that the Registrar "shall communicate the result of the enquiry to the society concerned." The use of the expression "shall", according to him, demonstrates that communication of the result is not discretionary.

5.42. His submission is that where the enquiry report contains adverse findings which are

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subsequently relied upon for recommending or appointing an Administrator, the communication of the result must be meaningful and effective. The Society should be made aware of the findings and conclusions which are proposed to be acted upon, so that it is not deprived of an opportunity to contest the factual basis of the proposed consequential action.

5.43. He submits that the requirement under Section 25(2)(c)(iii) is independent of the opportunity that may have been afforded to the Society during the course of the enquiry. Participation in the enquiry and communication of the result of the completed enquiry serve different purposes. The former enables the Society to participate in the fact-finding process, whereas the latter enables it to know the ultimate findings recorded upon completion of that process.

5.44. He further submits that the requirement of communication becomes particularly material where the Enquiry Officer records findings adverse to the Society despite the explanation or documents placed by it. Unless the result of



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the enquiry is communicated, the Society would have no effective means of knowing whether its explanation was accepted, rejected or ignored and on what basis the adverse findings were arrived at.

5.45. The fact that the Society was given an opportunity during the enquiry before the Registrar does not dispense with the obligation of the State Government, while exercising the power under Section 27-A(1)(c), to afford the Society an opportunity before taking the consequential decision.

5.46. In the present case, therefore, his submission is that the Court is required to examine whether the statutory procedure under Section 25 was duly followed; whether the Petitioner-Club was afforded an effective opportunity during the enquiry; whether the material and documents produced by it were received and considered; whether the findings of the Enquiry Officer were duly recorded; whether the result of the enquiry was communicated to the Club as required under Section 25(2)(c)(iii); and, thereafter, whether the State Government

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independently considered the matter before exercising its power under Section 27-A.

5.47. He submits that if the enquiry report was not communicated to the Petitioner-Club, the Club was deprived of an opportunity to know the findings recorded against it and to effectively challenge the same before the competent authority. Such non-communication, particularly where the report constitutes the basis for appointment of an Administrator, would constitute a violation of the statutory procedure prescribed under Section 25.

5.48. He accordingly submits that the statutory scheme does not permit the authorities to proceed directly from an enquiry report to appointment of an Administrator without complying with the intervening safeguards prescribed by law. The Registrar's enquiry, communication of its result and the State Government's independent consideration are distinct stages, each having a separate statutory purpose.

5.49. He therefore submits that, where the appointment of an Administrator is founded

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upon the report of an enquiry under Section 25 and the requirements relating to conduct and communication of the enquiry result have not been complied with, the consequential order under Section 27-A cannot be sustained. The defect goes to the legality of the process by which the material forming the foundation of the appointment was generated and acted upon.

5.50. He accordingly submits that, in the facts of the present case, the failure to communicate the result of the enquiry, coupled with the failure to afford the Petitioner-Club the requisite opportunity before the State Government, vitiates the consequential appointment of the Administrator and warrants setting aside the impugned order.

5.51. His submission is that there is no necessity or expediency for the appointment of an administrator from the order or from the facts of the case. There is no independent application by the State at the time of appointment of the Administrator inasmuch as there is no independent satisfaction of the government



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which had been established in the said order, his submission is that such an order appointing an administrator has to be based on cogent, credible and unimpeachable material and not on the basis of considering the enquiry report which had been impugned in these proceedings.

5.52. He submits that the club is a private members' club, not a public body or a Co-operative Society dealing with public funds. The funds are contributed by members voluntarily. Apart from the aforesaid two complainants, there are no complaints which have been raised by any other member and these complaints were also motivated for the reasons as indicated supra.

5.53. His submission is that by way of appointment of an Administrator, the democratically elected Executive Committee has been put out of office and a person appointed by the executive is running the administration of the Society which is not permissible. Such an Administrator could not have been appointed to supersede the elected bodies, is the submission of the learned Senior Counsel.

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5.54. He relies upon the decision of this Court in ***Karnataka Roller Skating Association (R) Vs. State of Karnataka***,¹ more particularly paras 4 and 6 thereof, which are reproduced hereunder for easy reference:

"4. His submission is that Respondent No.2 has only extracted the various charges and the finding of the enquiry officer and has gone on to appoint an Administrator. There being a violation of Section 25(2)(C)(iii) of the Karnataka Societies Registration Act, 1960, he submits that the reliefs sought are required to be granted.

*6. This aspect has been dealt with by this Court vide its order dated 29.07.2025 in W.P.No.104203/2025 in the decision of **Gousemohammad and another Vs. The District Registrar of Societies** (WP.No.104203/2025), more particularly, paras 7.6, 7.7 and 7.8 thereof which are reproduced hereunder for easy reference:*

"7.6. The fact that the Registrar can appoint any other person authorised by him in writing to conduct the enquiry does not mean that the enquiry made by such a person is automatically accepted by the Registrar. The person conducting the enquiry is only a delegate of the Registrar and does not substitute the Registrar himself.

7.7. Once, an enquiry has been made, it would be for the Registrar to apply his independent mind to the enquiry report and either accept or reject the said report, and if the report is rejected, a re-enquiry could also be ordered by the Registrar.

¹ W.P.No.11661/2026 dated 23.06.2026



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7.8. In that view of the matter, I answer the above point raised by holding that the Registrar of Societies in pursuance of an enquiry held by his delegate, appointed by him under subSection (1) of Section 25, cannot as a postman forward the enquiry report as received to the society, the registrar has to apply his mind, accept the report and then forward it to the society in terms of clause (3) in Section 25(2)(C)(iii)."

5.55. By relying on **Karnataka Roller Skating Association**, he submits that in the said decision, while considering the validity of the action taken by the Registrar consequent upon an enquiry, this Court referred to and relied upon its earlier decision in **Gousemohammad and another Vs. The District Registrar of Societies** [W.P.No.104203/2025, particularly paragraphs 7.6, 7.7 and 7.8], wherein the scope and effect of an enquiry conducted by a person authorised under Section 25(1) of the Karnataka Societies Registration Act, 1960 were considered.

5.56. He submits that the principle emerging from the aforesaid decisions is that the enquiry conducted by an officer authorised under Section 25(1) is only a fact-finding exercise undertaken on behalf of the Registrar. The

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Enquiry Officer does not exercise or exhaust the statutory power vested in the Registrar. Consequently, the enquiry report does not, by its mere submission, become the decision of the Registrar, nor can the findings recorded therein be treated as having been mechanically adopted by the Registrar.

5.57. The statutory obligation of the Registrar, therefore, does not end with receipt of the enquiry report. The Registrar is required to independently consider the report, the material forming its basis and the conclusions recorded therein, apply his own mind and thereafter take a decision whether the report is liable to be accepted or rejected. It is only upon such independent consideration and acceptance of the report that the further statutory consequence contemplated under Section 25(2)(c)(iii) can follow.

5.58. It is in this context that the observation that the Registrar cannot act merely as a "postman" assumes significance. The requirement of independent application of mind is not an empty procedural formality. It is a substantive

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safeguard intended to ensure that the statutory decision is that of the Registrar, who alone is vested with the power under Section 25, and not that of the Enquiry Officer acting as his delegate.

5.59. He submits that the same principle would apply with greater force where the consequential action proposed or taken is the appointment of an Administrator. The appointment of an Administrator is not an automatic consequence flowing merely from the findings recorded by the Enquiry Officer. Before taking such consequential action, the Registrar is required to independently consider the enquiry report and the material on record and arrive at his own satisfaction regarding the existence of the circumstances which warrant exercise of the statutory power.

5.60. He therefore submits that the mere reproduction or extraction of the charges, the evidence considered by the Enquiry Officer and the findings recorded in the enquiry report cannot, by itself, constitute an independent decision by the Registrar. What is required is an

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independent consideration of the report and a conscious decision by the Registrar as to whether the findings deserve acceptance and, if accepted, whether they justify the particular statutory consequence proposed to be imposed.

5.61. According to him, the decision in ***Karnataka Roller Skating Association*** is directly relevant to the present controversy. In that case also, the challenge was to the action taken by the authorities consequent upon an enquiry, and this Court, while considering the validity of such action, reiterated the principle laid down in ***Gousemohammad*** that the Registrar must apply his independent mind to the enquiry report. The ratio is, therefore, not confined merely to the forwarding of the enquiry report to the society; it goes to the very foundation of the subsequent statutory action, namely, whether the competent authority has independently considered and adopted the findings before exercising the consequential power.

5.62. In the present case, therefore, the question is not merely whether an enquiry was conducted

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or whether an enquiry report was submitted. The material question is whether, after receipt of the enquiry report, the Registrar himself independently considered the report and the material on which it was founded, recorded his satisfaction regarding the findings therein and thereafter exercised the power vested in him under Section 25. The impugned order merely reproduces and summarises the charges and the findings of the Enquiry Officer, without demonstrating an independent consideration and acceptance of those findings by the Registrar, the same prima facie disclose non-application of mind and failure to comply with the statutory requirement under Section 25(2)(c)(iii).

5.63. The submission, therefore, is that the distinction between an enquiry report and the Registrar's decision upon the enquiry report is fundamental. The former is the product of a delegated fact-finding exercise; the latter is the exercise of the statutory jurisdiction vested in the Registrar. The latter cannot be dispensed with, substituted by or inferred merely from the existence of the former.

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5.64. His submission is that the Registrar is required to pass a reasoned order accepting or rejecting the report. In this case, no such order, reasoned or otherwise, has been passed by the Registrar accepting the enquiry report, nor was the result of the enquiry communicated to the petitioner-Club, and as such, he submits that there is complete non-application of mind by the Registrar.

5.65. He relies upon the decision of the Division Bench of this Court in **Sri Beereswara Devastana Seva Samiti, Madlere Vs The State of Karnataka, Rep. by its Principal Secretary and others,**² more particularly para 15 and 16 thereof, which are reproduced hereunder for easy reference.

"15. A reading of the above portion of the order sheet would not record nor disclose hearing provided to the Petitioner upon receiving the documents. It is also not clear from the above order sheet whether the proceedings are concluded or whether the proceedings are posted for orders or submitting report. A careful perusal of the order sheet gives an impression that the enquiry is abruptly adjourned without showing the next date or stage of the proceedings. When Rule 8[4] of the Rules requires the Enquiry Officer to provide oral hearing, it is absolutely necessary for the Enquiry Officer to record hearing provided to the society or the

² W.A.No.100143/2022 C/w CCC.No.100144/2022 dated 09.09.2022



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aggrieved person. Whether the society or the aggrieved person submits explanation or not, Rule 8 of the Rules mandates oral hearing during Section 25 Enquiry. Since the order sheet or the records of the enquiry would not disclose providing oral hearing to the Petitioner, we are of the view that the report submitted by the second Respondent under Section 25 of the Act is in violation of Rule 8[4] of the Rules and also violative of principles of natural justice."

5.66. By relying on **Beereswara Devastana Seva Samiti**, his submission is that the Hon'ble Division Bench of this Court, while considering an enquiry conducted under Section 25 of the Karnataka Societies Registration Act, 1960, held that Rule 8(4) of the Karnataka Societies Registration Rules, 1961 mandates that the Enquiry Officer provide an oral hearing to the Society or the aggrieved person. The Division Bench further held that the enquiry records must disclose that such hearing was in fact afforded and that failure to do so would render the enquiry report violative of Rule 8(4) and the principles of natural justice.

5.67. The submission, is that the enquiry contemplated under Section 25 cannot be treated as a mere administrative or fact-finding exercise in which the Society is only required to

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submit a written explanation. Rule 8(4) expressly contemplates an oral hearing before the Enquiry Officer, and compliance with the requirement of such hearing must be demonstrable from the order sheet or the enquiry record. Thus, the validity of the enquiry report depends not merely upon the existence of a notice and a written reply, but also upon compliance with the prescribed procedure and the principles of natural justice, including the opportunity of oral hearing.

5.68. He further submits that the requirement of compliance with natural justice does not end with the conclusion of the enquiry. Once the enquiry report is placed before the Registrar and notice is issued to the Society under Section 25(2)(c)(iii) or Section 27-A, as the case may be, the Registrar is required to consider the explanation/reply submitted by the Society before taking consequential action. Such consideration must be real and meaningful and not merely a matter of recording that a reply has been received.

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5.69. In this regard, he submits that the requirement before the Enquiry Officer and the requirement before the Registrar operate at two distinct stages. At the first stage, the Enquiry Officer is required to conduct the enquiry in accordance with Rule 8, including affording the Society an oral hearing. At the second stage, the Registrar, being the statutory authority competent to take consequential action, is required to independently apply his mind to the enquiry report as well as the objections/explanation submitted by the Society and thereafter arrive at his own decision.

5.70. He submits that the written reply submitted by the Society cannot be treated as an empty formality. Where the reply specifically disputes the findings in the enquiry report, places material before the Registrar, or raises objections going to the legality, factual correctness or evidentiary basis of the findings, the Registrar is required to consider such submissions while arriving at his decision. If the Registrar proposes to accept the enquiry report notwithstanding the objections raised by the Society, the order must disclose the reasons

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which demonstrate that the objections have been considered and rejected.

5.71. He therefore submits that, in the present case, there are two independent infirmities in the decision-making process. First, the enquiry itself is conducted without the oral hearing mandated by Rule 8(4), thereby affecting the validity of the enquiry report. Secondly, even assuming that the enquiry report is otherwise available for consideration, the Registrar was required to independently consider the reply submitted by the Society and apply his mind to the objections raised therein before accepting the findings and proceeding to take consequential action.

5.72. His submission is that the latter requirement assumes particular significance in view of the decision in **Gousemohammad**, as subsequently noticed and followed in **Karnataka Roller Skating Association**. The Registrar cannot mechanically adopt the findings of the Enquiry Officer. The Registrar must independently consider the enquiry report and the response of the Society and thereafter

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take a reasoned decision. Thus, compliance with natural justice at the enquiry stage and independent application of mind at the Registrar's stage are cumulative safeguards and compliance with one cannot dispense with compliance with the other.

5.73. He accordingly submits that where the enquiry record does not establish that the oral hearing contemplated by Rule 8(4) was afforded, the enquiry report itself is vitiated in terms of the law laid down in **Beereswara Devastana Seva Samiti**. Further, where the Registrar, notwithstanding the objections/reply submitted by the Society, proceeds to accept the enquiry report without dealing with the material submissions raised therein and without recording reasons for rejecting them, the consequential order would independently suffer from violation of natural justice and non-application of mind.

5.74. The submission, therefore, is that the impugned action cannot be sustained merely by demonstrating that notice was issued to the Society and a written reply was received. The

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Court would be required to examine whether (i) the Enquiry Officer complied with Rule 8(4) by affording and recording the requisite oral hearing; (ii) the enquiry report was prepared upon consideration of the material placed by the Society; (iii) the Society was afforded an effective opportunity to respond to the enquiry report at the subsequent statutory stage; and (iv) the Registrar independently considered such response and the enquiry report before arriving at his decision. Failure at any of these stages would have to be considered in the context of the prejudice caused and the statutory scheme governing the exercise of power under Section 25.

5.75. He relies upon the decision of a Co-ordinate Bench of this Court in ***BHEL Employees Welfare Association Vs. State of Karnataka***,³ more particularly para 7, which is reproduced hereunder for easy reference:

"7. I have considered the submissions made by the learned counsel for the parties. From the perusal of the records, it is evident that the District Registrar-Respondent No.2 while submitting the report dated 21.04.2018 has not considered the objections preferred

³ W.P.No.24288/2018 dated 06.03.2019



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by the Petitioner and no finding has been recorded with regard to the contents of the documents filed by the Petitioner on 14.07.2017. The Registrar has also not recorded any satisfaction whether or not the evidence is recorded as provided under Rule 8(4) of the Rules. Therefore, it is evident that the impugned order has been passed in violation of Rule 8(4) of the Rules. Therefore, the same cannot be sustained in the eye of law. It is accordingly quashed. The matter is remitted to Respondent No.2 who is directed to conclude the enquiry as contemplated under Rule 8 of the Rules within a period of four months from the date of receipt of certified copy of this order. It is needless to state that the Petitioner as well as Respondents No.3 and 4 shall co-operate with the Registrar-Respondent No.2 and shall not seek any un-necessary adjournments in order to enable the second Respondent to conclude the enquiry within a period of four months from the date of receipt of certified copy of this order. In the result, writ petition is disposed of."

5.76. By relying on **BHEL Employees Welfare Association**, his submission is that in that case this Court found from the records that the District Registrar, while submitting the report, had failed to consider the objections raised by the Petitioner and had not recorded any finding with regard to the documents produced by the Petitioner. The Court further noticed that the Registrar had not recorded any satisfaction as to whether the evidence had been recorded in accordance with Rule 8(4) of the Karnataka Societies Registration Rules. On those grounds,

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the impugned order was held to be in violation of Rule 8(4) and was consequently quashed, with the matter being remitted to the Registrar for conclusion of the enquiry in accordance with Rule 8.

5.77. By relying upon **BHEL Employees Welfare Association**, he submits that compliance with the procedure prescribed under Rule

5.78. 8 of the Rules is an essential component of an enquiry under Section 25 of the Karnataka Societies Registration Act, 1960. The Registrar, before acting upon the enquiry and submitting or accepting the report, is required to ensure that the procedure prescribed under Rule 8 has been duly followed, including compliance with the requirements relating to recording of evidence under Rule 8(4).

5.79. He further submits that **BHEL Employees Welfare Association** makes it clear that the objections raised by the Society and the documents produced in support thereof cannot be disregarded. The competent authority is required to consider such objections and material and record its satisfaction regarding

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the manner in which the evidence has been recorded. A report which does not demonstrate such consideration or satisfaction cannot constitute a valid foundation for further action under Section 25.

5.80. His submission is that the requirement of compliance with Rule 8 is not merely procedural in the narrow sense. The safeguards contained in the Rule are intended to ensure that the enquiry is conducted fairly, that the Society is afforded an effective opportunity to place its case and material before the Enquiry Officer, and that the conclusions ultimately acted upon by the Registrar are founded upon an enquiry conducted in accordance with the prescribed procedure.

5.81. He submits that, consequently, before accepting or acting upon the enquiry report, the Registrar is required to examine whether the enquiry has been conducted in accordance with Rule 8, whether the material and objections placed by the Society have been considered, and whether the requirements relating to recording of evidence and hearing have been complied with.

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If the enquiry report has been prepared or submitted without following the mandatory procedure prescribed under Rule 8, the Registrar could not mechanically accept or act upon such report.

5.82. Read with the principles laid down in ***Sri Beereswara Devastana Seva Samiti and Gousemohammad***, he submits that the statutory scheme requires procedural fairness at the enquiry stage as well as independent application of mind at the decision-making stage. Thus, the Registrar is required not only to ensure that the enquiry conforms to Rule 8, but also to independently consider the enquiry report and the objections/material placed by the Society before taking any consequential action.

5.83. He accordingly submits that, in the present case, the validity of the action taken by the Registrar would have to be examined with reference to whether the mandatory safeguards under Rule 8 were complied with, whether the Society's objections and documents were considered, whether the evidence was recorded

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in the manner prescribed by Rule 8(4), and whether the Registrar recorded his satisfaction regarding such compliance before acting upon the enquiry report. In the absence of such compliance and independent consideration, the enquiry report could not validly form the basis for the consequential action taken against the Society.

5.84. Rule 8 of the Karnataka Societies Registration Rules, 1975, is reproduced hereunder for easy reference:

"Rule - 8. Enquiry by the Registrar.

(1) Where the Registrar proposed to hold an enquiry under Section 25, either on his own motion or on an application, he or the person authorised by him under the said Section to hold an enquiry shall issue notice to the society concerned in this behalf.

(2) The said notice shall specify a date on which, place in which and the time at which, as also the matters in respect of which the enquiry will be held. The notice shall also call upon the society to furnish its explanation in respect of matters referred to therein before the date specified in the notice.

(3) The society shall furnish its explanation to the Registrar or the authorised person before such date.

(4) On the date fixed for the enquiry, or on such other date or dates to which the enquiry might be adjourned,

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the Registrar or the authorised person shall give the society a oral hearing. He may also examine such persons as may be considered necessary. He may receive any relevant document. If the society fails to furnish its explanation as required under sub-rule (3) or to attend the enquiry on the date fixed or the adjourned date, the Registrar or the authorised person may proceed with the enquiry ex parte.

(5) On the completion of the enquiry, the Registrar or the authorised person shall record his findings and communicate the same to the society concerned."

5.85. By referring to Rule 8 he submits that the Rule prescribes a complete and sequential procedure governing the conduct and conclusion of an enquiry under Section 25. The procedure commences with a notice specifying the matters proposed to be enquired into, the date, time and place of enquiry and requiring the Society to furnish its explanation; proceeds to consideration of the explanation, oral hearing, examination of persons and receipt of relevant documents; and culminates in recording of findings and communication thereof to the Society.

5.86. He submits that the expression "shall" occurring in Rule 8(4), in the context of the requirement that the Registrar or the authorised person

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“shall give the society an oral hearing”, makes the requirement mandatory. The Rule does not contemplate that the Society may be deprived of an oral hearing merely because it has submitted a written explanation. The written explanation under sub-rule (3) and the oral hearing contemplated under sub-rule (4) constitute distinct procedural safeguards.

5.87. He further submits that Rule 8 deliberately uses the expression “Registrar or the authorised person” in sub-rules (3) and (4). Therefore, where the enquiry is entrusted to an authorised person under Section 25, such authorised person is required to conduct the enquiry in accordance with all the procedural safeguards contained in Rule 8, including granting an oral hearing, receiving relevant documents and recording findings.

5.88. At the same time, sub-rule (5) assumes significance in determining the nature and effect of the enquiry. The Rule contemplates that, on completion of the enquiry, findings are to be recorded and communicated to the Society. Where the enquiry is conducted by an

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authorised person, the findings so recorded constitute the outcome of the delegated enquiry and cannot, merely by reason of their being recorded by the authorised person, be equated with an independent decision of the Registrar exercising the statutory power vested in him under Section 25.

5.89. He submits that Rule 8 must therefore be read harmoniously with Section 25. The authorised person may conduct the enquiry on behalf of the Registrar and record findings in accordance with Rule 8; however, the statutory power of the Registrar is not thereby transferred or exhausted. The Registrar remains required to consider the enquiry report/findings in accordance with the statutory scheme and, before taking consequential action, to independently apply his mind to the material placed before him.

5.90. He further submits that the requirement of recording findings under sub-rule (5) necessarily implies that the findings must emerge from the procedure prescribed in sub-rules (1) to (4). A finding cannot be treated as

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a valid finding under Rule 8 if it has been arrived at without furnishing the Society the notice contemplated under sub-rule (2), without considering its explanation under sub-rule (3), or without affording the oral hearing mandated under sub-rule (4).

5.91. Thus, according to him, compliance with Rule 8 is not a matter of mere formality. The Rule embodies the minimum procedural safeguards intended to ensure that the enquiry is conducted fairly and that the findings are reached after the Society has been afforded a meaningful opportunity to meet the allegations against it.

5.92. He therefore submits that, on a conjoint reading of Section 25 and Rule 8, the enquiry process cannot be regarded as valid merely because a report or set of findings has been prepared. The Court is required to examine whether the statutorily prescribed procedure preceding the findings was actually followed and whether the Society was afforded the procedural safeguards expressly contemplated by Rule 8.

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5.93. It is accordingly submitted that the following aspects assume significance while examining the validity of the enquiry in the present case:

- 5.93.1. Whether a notice complying with Rule 8(1) and (2) was issued specifying the matters proposed to be enquired into;
- 5.93.2. Whether the Society was afforded an effective opportunity to furnish its explanation under Rule 8(3);
- 5.93.3. Whether the Registrar or the authorised person conducting the enquiry actually afforded the Society the oral hearing mandated under Rule 8(4);
- 5.93.4. Whether the relevant documents produced by the Society were received and considered and, where necessary, whether relevant persons were examined;
- 5.93.5. Whether the findings recorded under Rule 8(5) are demonstrably founded upon the material and procedure forming part of the enquiry; and

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- 5.93.6. Where the enquiry was conducted by an authorised person, whether the Registrar thereafter independently considered the findings/report and the objections or explanation of the Society before exercising the statutory power vested in him.
- 5.94. His submission, therefore, is that there are two distinct stages which cannot be conflated: first, a procedurally valid enquiry resulting in findings under Rule 8; and second, the independent exercise of statutory jurisdiction by the Registrar upon consideration of those findings and the response of the Society. Compliance with the first stage does not dispense with the second, and conversely, independent consideration by the Registrar cannot cure an enquiry which is itself fundamentally vitiated by failure to comply with the mandatory safeguards under Rule 8.
- 5.95. He relies upon the decision of this Court in ***KEB Scheduled Caste and Scheduled Tribes Welfare Association and Another Vs. The State of Karnataka, Department of Co-***

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operation,⁴ more particularly para 3 thereof, which is reproduced hereunder for easy reference:

"3. Learned Senior Counsel for the Petitioner submitted that no enquiry as envisaged under Section 27-A(c) of the Act was held and no opportunity of hearing was afforded to the Petitioner. It is further submitted that the Special Officer has passed the impugned order and the same has not been published in the gazette as required under the Act. Therefore, the impugned order is liable to be quashed. In support of his submissions, reference has been placed on a decision of the Supreme Court in 'RAJENDRA AGRICULTURAL UNIVERSITY VS. ASHOK KUMAR PRASAD AND OTHERS', (2010) 1 SCC 730 and order dated 19.02.2019 passed by this Court in W.P.No.22487/2017 and connected matters. On the other hand, learned Additional Advocate General has submitted that the term of the office bearers of the Society will expire tomorrow i.e., on 18.06.2019 and the Administrator has already taken charge on 16.03.2019. It is also urged that there has been compliance of Section 27-A(3) & (4) of the Act and the Administrator be directed to hold the elections of the Society. In support of aforesaid submissions, reference has been made to a decision of this court in the case of 'B.BALAJI VS. THE HEBBAR SRI VAISHNAVA SABHA (REGD) AND OTHERS', W.P.NO.50154/2017. Learned counsel for the impleading applicant submitted that the Petitioners did not hold the Annual General Meeting for a period of two years and did not get the account audited. It is further submitted that a Gazette Notification was issued on 11.04.2019."

⁴ W.P.No.12882-83/2019 dated 17.06.2019



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- 5.96. By relying on ***KEB Scheduled Caste and Scheduled Tribes Welfare Association***, his submission is that the said decision arose in the context of proceedings under Section 27-A of KSR Act, where a challenge was raised, inter alia, on the ground that no enquiry as contemplated under Section 27-A had been held and that no opportunity of hearing had been afforded to the Society before the consequential action was taken.
- 5.97. He submits that the exercise of power under Section 27-A cannot be undertaken mechanically upon receipt of a report or material emanating from the Registrar. Where Section 27-A contemplates an enquiry and consequential action affecting the management of a Society, the statutory requirements governing such enquiry and the opportunity of hearing to the Society must be complied with before the consequential order is passed.
- 5.98. He submits that the requirement of hearing assumes particular significance because the action contemplated under Section 27-A may result in displacement of the existing

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management and appointment of an Administrator/Special Officer. Such action has serious civil consequences and, therefore, the Society must be afforded an effective opportunity to place its case before the competent authority before the decision is taken.

5.99. His submission is that the enquiry or report prepared at an earlier stage cannot, by itself, dispense with the subsequent statutory requirement of hearing where Section 27-A requires the competent authority to undertake an enquiry or consider the matter before taking consequential action. The authority exercising power under Section 27-A must consider the material placed before it and the explanation of the Society and thereafter arrive at its own decision in accordance with law.

5.100. He further submits that the expression "enquiry" occurring in Section 27-A must be given meaningful content. It cannot be reduced to a mere receipt of the report of the Registrar or an administrative endorsement of the conclusions already reached. Where the statute

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contemplates an enquiry preceding the exercise of power, the competent authority must undertake the requisite consideration and afford the affected Society an opportunity of hearing.

5.101. He submits that this requirement must also be considered in conjunction with the principles emerging from the decisions in ***Sri Beereswara Devastana Seva Samiti, BHEL Employees Welfare Association and Gousemohammad***. The statutory scheme contemplates procedural fairness at the stage of enquiry and independent application of mind by the authority competent to take the consequential decision. The fact that an earlier authority has conducted an enquiry or submitted a report does not, by itself, satisfy the requirement of a hearing before the authority which ultimately exercises the power resulting in civil consequences.

5.102. He accordingly submits that, if the impugned action under Section 27-A has been taken merely on the basis of the Registrar's report, without the State Government/competent authority itself conducting or undertaking the

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enquiry contemplated by the provision and without affording the Society an effective opportunity of hearing, such action would be contrary to the statutory scheme and the principles of natural justice.

5.103. He therefore submits that the validity of the impugned action would require examination of whether, after receipt of the Registrar's report, the competent authority:

5.103.1. Undertook the enquiry contemplated under Section 27-A;

5.103.2. furnished the Society with an effective opportunity to submit its explanation and objections;

5.103.3. afforded an opportunity of hearing where required by the statutory provision and principles of natural justice;

5.103.4. considered the report of the Registrar along with the explanation, objections and material produced by the Society; and

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5.103.5. thereafter independently arrived at the satisfaction necessary for exercising the power under Section 27-A.

5.104. His submission, therefore, is that the report of the Registrar may constitute material for consideration by the authority competent to act under Section 27-A, but it cannot be treated as a substitute for the statutory decision-making process contemplated under Section 27-A. The ultimate order, particularly an order resulting in displacement of the elected/existing management and appointment of an Administrator, must be preceded by compliance with the prescribed procedure, observance of natural justice and an independent application of mind by the authority vested with the power to take such action.

5.105. In the present case, though the Petitioner-Society submitted a reply to the show-cause notice, it is submitted that the same has neither been duly considered by the District/Joint Registrar nor have the objections and material placed by the Society been dealt with in the decision-making process. More

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importantly, upon receipt of the report/material from the Registrar, no notice has been issued by the State Government/competent authority to the Society, nor has the Society been afforded an opportunity of hearing before the consequential action under Section 27-A was taken. His submission is that the requirement of enquiry and hearing contemplated under Section 27-A(c) of the Act is therefore not satisfied.

5.106. He submits that the opportunity afforded at the earlier stage before the District/Joint Registrar cannot, by itself, be treated as compliance with the requirement of hearing before the authority competent to exercise the power under Section 27-A. The State Government/competent authority, before taking a decision which has the effect of displacing the elected Executive Committee and office bearers and appointing an Administrator, is required to consider the material placed by the Society and afford it an effective opportunity to meet the case against it. In the absence of such consideration and hearing, the consequential appointment of the Administrator is vitiated for failure to comply

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with the statutory procedure and principles of natural justice.

5.107. His submission is also that, apart from the aforesaid procedural infirmity, the appointment of an Administrator under Section 27-A is required to be given effect to only in the manner prescribed by the Act, including the requirement of publication in the Official Gazette. Gazette publication is not, according to him, a mere ministerial formality, but a statutory requirement governing the legal efficacy of the appointment.

5.108. In the present case, admittedly, no such Gazette publication has taken place. He therefore submits that the alleged appointment has not acquired the legal efficacy contemplated under Section 27-A and that, in the absence of the prescribed Gazette notification, the person purporting to act as Administrator cannot assume control over the affairs of the Society.

5.109. He further submits that the consequence of recognising a person as Administrator is substantial, as it results in the displacement of

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the democratically elected Executive Committee and office bearers of the Society and confers upon the Administrator the authority to manage and administer the affairs of the Society. Such displacement of the elected body can take place only upon strict compliance with the statutory conditions governing the appointment.

5.110. He accordingly submits that, in the absence of compliance with the hearing requirement under Section 27-A and, independently, in the absence of the requisite Gazette publication, there is no valid and legally efficacious appointment of an Administrator. Consequently, the person purporting to act as Administrator cannot take over the management of the Society, displace the elected Executive Committee or exercise the powers and functions of the office bearers.

5.111. He therefore submits that the impugned action is liable to be set aside on two independent grounds: first, failure to comply with the statutory requirement of enquiry/hearing and failure to consider the Society's reply and objections before the State

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Government/competent authority took consequential action; and secondly, failure to comply with the statutory requirement of Gazette publication necessary to give legal efficacy to the appointment of the Administrator.

6. Smt. Prathima Honnapura, learned Additional Advocate General appearing for the Respondent-State would submit that:

6.1. Sri. K. Puttaswamy Gowda and Sri. Hanumantharayappa submitted complaints dated 17.11.2025 and 10.01.2026, respectively, alleging irregularities in the management and utilisation of the funds of the Petitioner-Club. On the basis of the said complaints, the Registrar initiated a Suo motu enquiry under Section 25 of the Karnataka Societies Registration Act, 1960 and appointed Respondent No.4 as the Enquiry Officer. It is submitted that the enquiry was not initiated arbitrarily or without any foundational material, but pursuant to specific complaints alleging financial and administrative irregularities in the affairs of the Club.

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- 6.2. Her submission is that the Petitioner-Club was put on notice of the allegations and participated in the enquiry proceedings conducted by Respondent No.4. The Club and its office bearers were given repeated opportunities to appear, explain the allegations, produce documents and place their defence on record. The contention that the enquiry was conducted behind the back of the Club or without affording an opportunity of hearing is therefore incorrect.
- 6.3. The Enquiry Officer initially fixed the matter for hearing on 20.01.2026. On the said date, the President, Treasurer and Vice-President of the Club were present, while the Secretary was absent. The President and Treasurer sought 45 days' time to submit their reply to the allegations, stating that the documents relating to the Club were in the custody of the Secretary, who was stated to be on leave on account of ill health. The request for adjournment was considered and the matter was adjourned.
- 6.4. The matter was thereafter taken up on 04.02.2026. On that date, the President and

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Treasurer were again present. It was then represented that the documents relating to the Club were in the custody of Sri. B. M. Ravishankar, who had served as Treasurer of the Club during the period from 2017 to 2021 and as a Director of the Executive Committee during the period from 2022 to 2025. It was stated that the documents had not been returned to the Club and, on that basis, three months' time was sought to produce the same.

6.5. Sri. B. M. Ravishankar, however, addressed a communication to the Enquiry Officer stating that he had resigned as Treasurer on 16.10.2020 and as Director on 25.11.2025 and that he was not in possession of any documents pertaining to the Club, which, according to him, were available with the Club itself. The matter was thereafter adjourned to 18.02.2026. Even on the subsequent date, no substantive written explanation rebutting the allegations was furnished by the Petitioner-Club. The matter was therefore adjourned to 04.03.2026.

6.6. On 04.03.2026, the President was absent, while the Secretary and Treasurer were present. The

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Secretary stated that, from 1997 onwards, the transactions in question had been undertaken by the President and that the documents relating to those transactions were in the custody of the President. The Treasurer, on the other hand, stated that he had merely signed cheques at the direction of the President and had no other role in the functioning of the Club. Thus, even at that stage, the office bearers took inconsistent positions regarding the custody and availability of the documents, but did not place before the Enquiry Officer a comprehensive explanation supported by the relevant records.

- 6.7. Her submission is that the aforesaid chronology itself demonstrates that the Petitioner-Club was afforded more than one opportunity to answer the allegations. On the first occasion, time was sought on the ground that the documents were with the Secretary; thereafter, it was represented that the documents were with the former Treasurer; and subsequently, it was stated that the documents were with the President. Despite such repeated opportunities,

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the Club did not place the relevant documents or a substantive explanation on record.

6.8. It is therefore submitted that the Petitioner cannot, after having participated in the enquiry proceedings, sought repeated adjournments and failed to produce the material on which it proposed to rely, contend that there was denial of natural justice. The principle of natural justice requires a reasonable opportunity to meet the case; it does not confer an indefeasible right to seek repeated adjournments or to keep the enquiry pending indefinitely.

6.9. Her submission is further that the proceedings conducted by the Enquiry Officer were duly recorded in the order sheet. The order sheet records the appearances, requests for time, submissions made by the office bearers and the reasons furnished by them for not producing the documents or filing their explanation. The President of the Club signed the order sheet and did not record any objection or dissent to the proceedings recorded therein.

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- 6.10. Her submission, therefore, is that the Petitioner cannot now selectively dispute the proceedings recorded in the order sheet when its authorised office bearer had participated in the proceedings and signed the record without protest. The order sheet constitutes contemporaneous evidence of the manner in which the enquiry proceeded and demonstrates that the Petitioner was aware of the allegations and was repeatedly given an opportunity to respond.
- 6.11. As regards the contention that the mandatory procedure under Rule 8 of the Karnataka Societies Registration Rules, 1975 was not followed, her submission is that the record demonstrates compliance with the essential requirements of Rule 8. Notice was issued to the Club; the Club was called upon to furnish its explanation; its office bearers appeared before the Enquiry Officer; oral submissions were made on their behalf; time was granted on their request; and the matter was adjourned on several occasions to enable them to place their explanation and documents on record.

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- 6.12. She submits that Rule 8(4) contemplates an opportunity of oral hearing before the Registrar or the person authorised by him. In the present case, the Petitioner-Club and its office bearers were in fact heard on several dates. The fact that the Petitioner did not ultimately submit a written reply or produce the documents which it claimed were necessary for its defence cannot be converted into a contention that no hearing was afforded.
- 6.13. Her submission is that the requirement of oral hearing is intended to provide the Society an effective opportunity to explain the allegations and place its defence before the Enquiry Officer. That requirement stood substantially and effectively complied with in the present case, since the President, Secretary, Treasurer and other office bearers appeared on different dates and made oral submissions on the allegations and on the availability of the documents.
- 6.14. She submits that the Petitioner cannot simultaneously contend that it was denied an opportunity of hearing and, on the other hand, rely upon the various oral submissions made by

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its office bearers before the Enquiry Officer. The very nature of those submissions demonstrates that the Club was heard and was aware of the allegations against it.

6.15. As regards the reliance placed upon the decision in ***Sri Beereswara Devastana Seva Samiti***, she submits that the said decision has to be understood in the factual context in which the Court found that the records did not disclose that an oral hearing had been given. The present case stands on a different footing, since the order sheets disclose the repeated appearance of the office bearers and the oral submissions made by them before the Enquiry Officer.

6.16. Her submission is that the present case is therefore not one where the record is silent as to hearing. On the contrary, the contemporaneous proceedings record the appearances and submissions made by the office bearers. The requirement under Rule 8 cannot be construed to mean that an enquiry must remain pending indefinitely merely because the Society chooses not to file the

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explanation sought from it despite repeated opportunities.

6.17. As regards the allegation that the Enquiry Officer refused to receive documents produced by the Petitioner-Club, her submission is that no specific document has been identified which was tendered before the Enquiry Officer and was refused or rejected. The Petitioner has not demonstrated from the order sheet or the enquiry record that any particular document was produced and that Respondent No.4 declined to receive the same.

6.18. On the contrary, the consistent position taken by the office bearers was that the relevant documents were in the custody of different persons. Initially, the documents were stated to be with the Secretary; subsequently, with the former Treasurer; and thereafter, with the President. When the former Treasurer was approached, he denied possession of the documents and stated that the same were available with the Club. Thus, the inability of the Petitioner to produce documents cannot be

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attributed to any refusal on the part of the Enquiry Officer to receive them.

6.19. She submits that the burden cannot be shifted to the Enquiry Officer when the Petitioner itself failed to identify, produce and tender the documents upon which it intended to rely. In the absence of any material demonstrating actual refusal to receive documents, the allegation is merely an assertion and cannot invalidate the enquiry.

6.20. As regards the contention that the Enquiry Officer could not have recommended appointment of an Administrator, her submission is that Respondent No.4 did not purport to exercise the statutory power vested in the State Government under Section 27-A. The Enquiry Officer merely recorded the findings emerging from the enquiry and recommended consequential action to the competent authority. The recommendation contained in the report cannot be equated with an order appointing an Administrator.

6.21. She submits that the statutory scheme itself contemplates an enquiry and a report being

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placed before the competent authority. The Enquiry Officer was appointed by the Registrar for the purpose of conducting the enquiry and recording the findings. The report was thereafter submitted to Respondent No.3 and forwarded to the State Government. The ultimate power to appoint the Administrator was exercised by the State Government and not by the Enquiry Officer.

6.22. Her submission is therefore that there is no merit in the contention that Respondent No.4 usurped the power of the State Government. The Enquiry Officer only performed the function for which he had been authorised, namely, conducting the enquiry, recording the findings and making a recommendation on the basis of the material available.

6.23. She further submits that the decision in ***Karnataka Roller Skating Association*** and the decision in ***Gousemohammad***, relied upon by the Petitioner, do not assist the Petitioner in the present case. Those decisions recognise the distinction between an enquiry report and the decision to be taken by the statutory authority.

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In the present case also, the report of the Enquiry Officer was only placed before the competent authority and the ultimate decision under Section 27-A was taken by the State Government.

6.24. Her submission is that the mere fact that the State Government considered the findings recorded in the enquiry report does not amount to mechanical acceptance of the report. The State Government was entitled to rely upon the material gathered during the statutory enquiry, provided it independently considered the same before exercising the power vested in it.

6.25. As regards the contention that the State Government was required to conduct an entirely fresh enquiry after receipt of the report of the Registrar, her submission is that the statutory scheme does not require duplication of the enquiry already conducted merely because the report has been placed before the State Government. The purpose of the enquiry report is to place the relevant facts and findings before the authority competent to take consequential action.

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6.26. She submits that what is required of the State Government is that it should independently consider the material before it, afford the Society an opportunity to explain why the proposed action should not be taken and thereafter arrive at the requisite satisfaction under Section 27-A. It is not necessary that the State Government should mechanically repeat each and every procedural step already undertaken during the enquiry by the authorised Enquiry Officer.

6.27. Her submission is that the decision in ***Bharata Ratna Mokshgundam Viswaswaraiah Education Society Vs. District Registrar, (Deputy Commissioner), Kolar***⁵ is distinguishable from the present case only to the extent that the said decision emphasises the independent statutory role of the State Government. The present case satisfies that requirement because, after receipt of the enquiry report, the State Government itself issued a show-cause notice to the Petitioner-Club before proceeding with the appointment.

⁵ 1984 SCC OnLine Kar 122



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- 6.28. She submits that the State Government did not treat the report of the Enquiry Officer as an automatic order of appointment. The report was considered as the material forming the basis for the proposed action, and the Petitioner-Club was thereafter specifically called upon to show cause as to why an Administrator should not be appointed.
- 6.29. Thus, according to her, there are two distinct stages: first, the enquiry resulting in the report; and secondly, consideration of the report and other material by the State Government before exercising the statutory power under Section 27-A. Both stages were complied with in the present case.
- 6.30. She submits that, contrary to the contention of the Petitioner, the State Government did afford a separate opportunity to the Petitioner-Club after receipt of the enquiry report. On 09.04.2026 **(Annexure R9)**, the State Government issued a show-cause notice specifically calling upon the Club to explain why an Administrator should not be appointed in

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view of the irregularities and findings recorded in the enquiry report.

6.31. The said notice was therefore not a mere formality. It put the Petitioner-Club on specific notice of the proposed consequential action and afforded it an opportunity to place its objections and material before the State Government. The Petitioner was thus given an opportunity at the stage when the competent authority itself was considering exercise of the power under Section 27-A.

6.32. She submits that the Petitioner did not submit any reply to the said show-cause notice. Having consciously chosen not to respond to the notice issued by the State Government, the Petitioner cannot thereafter contend that the State Government proceeded without affording an opportunity of hearing.

6.33. Her submission is that an opportunity of hearing does not necessarily require the authority to await a response indefinitely. Once a reasonable opportunity is granted and the Society fails to avail itself of that opportunity,

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the competent authority is entitled to proceed on the material available on record.

6.34. She further submits that there is no material to demonstrate that the Petitioner sought an extension of time from the State Government, sought a personal hearing, or requested permission to produce additional documents in response to the notice dated 09.04.2026. In the absence of any such request, the allegation that the State Government denied a hearing is without basis.

6.35. As regards the contention that the reply submitted by the Club before the District/Joint Registrar was not considered, her submission is that the said reply formed part of the enquiry record and was available to the authorities while considering the matter. The Petitioner cannot contend that every contention raised in the reply must necessarily find separate and elaborate discussion in the final order.

6.36. What is required is consideration of the material relevant to the decision. In the present case, the enquiry proceedings, the submissions of the office bearers, the material gathered during

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enquiry, the findings of the Enquiry Officer and the subsequent proceedings before the State Government constituted the material on the basis of which the statutory decision was taken.

6.37. She submits that, in any event, when the State Government issued a fresh show-cause notice dated 09.04.2026, the Petitioner had a further opportunity to place before the competent authority all its objections, explanations and documents. The Petitioner did not avail itself of that opportunity. Therefore, it cannot now contend that it was prevented from placing its defence before the authority competent to appoint the Administrator.

6.38. Her submission is that the enquiry report was not founded upon vague or general allegations. The Enquiry Officer recorded specific findings concerning the manner in which membership subscriptions were collected and accounted for and the manner in which the financial affairs of the Club were being maintained.

6.39. It was found that membership subscriptions had, on several occasions, been collected in cash without corresponding entries being duly



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reflected in the books of the Club and without receipts being issued for such collections. These circumstances raised serious questions regarding the transparency and accountability of the financial management of the Club.

6.40. She further submits that membership funds were collected from members for stated purposes, including construction-related purposes, but the utilisation of such funds was not demonstrated by proper records. The financial affairs of the Club were therefore found to suffer from serious irregularities.

6.41. Her submission is that the Enquiry Officer was entitled to examine the books, records, accounts, resolutions and other material pertaining to the Club and to record findings on the basis thereof. The Petitioner, having failed to produce the material which it claimed would rebut those findings, cannot challenge the report merely by making a general allegation that the findings are incorrect.

6.42. With regard to the Annual General Meeting stated to have been held on 01.02.2026, she submits that the conduct of the meeting was

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also examined in the context of the bye-laws governing the Club. Ordinarily, consideration and approval of the audited financial statements and the budget constitute important matters for consideration by the general body.

6.43. However, neither acceptance of the audited financial statements nor approval of the budget formed part of the agenda of the said meeting. Her submission is that the manner in which the Annual General Meeting was conducted was inconsistent with the requirements of the bye-laws and constituted a further circumstance relevant to the overall administration and financial management of the Club.

6.44. Her submission is that the power under Section 27-A is not confined to cases of individual misconduct or personal disputes between members of a Society. Where the affairs of a Society disclose serious financial or administrative irregularities affecting the proper management of the Society and the interests of its members, the same may legitimately give rise to considerations of public interest contemplated under the provision.

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- 6.45. The Petitioner-Club manages funds contributed by its members and is required to maintain proper accounts and conduct its affairs in accordance with its bye-laws and the governing statute. Failure to maintain transparent accounts, non-accounting of membership collections and irregular utilisation or non-utilisation of funds collected for specified purposes have a direct bearing upon the interests of the members and the proper administration of the Club.
- 6.46. She submits that the reference to public interest in Section 27-A cannot be construed narrowly so as to require proof of an interest of the entire population at large. The proper administration of a registered Society, the protection of its funds and the interests of its members are themselves matters which may legitimately be taken into consideration while determining whether statutory intervention is warranted.
- 6.47. Her submission is that appointment of an Administrator was not made merely because an enquiry report contained adverse observations.

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The State Government considered the material placed before it, the nature of the irregularities recorded in the enquiry report and the absence of any effective rebuttal from the Petitioner-Club, and thereafter exercised the statutory power vested in it under Section 27-A.

6.48. She submits that the Petitioner has not demonstrated any jurisdictional error in the exercise of that power. The State Government was the competent authority under Section 27-A and exercised the power only after the statutory process had been initiated and the Petitioner had been given an opportunity to explain its position.

6.49. The fact that appointment of an Administrator results in the elected Executive Committee and office bearers ceasing to administer the affairs of the Club does not, by itself, invalidate the appointment. Such displacement is the statutory consequence of a valid appointment under Section 27-A and cannot be relied upon as a ground to defeat the exercise of the statutory power itself.

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- 6.50. Her submission is that the right of an elected Executive Committee to continue in office is subject to the provisions of the governing statute and the power conferred upon the competent authority thereunder. Once the statutory conditions for intervention are satisfied, the mere fact that the existing office bearers were elected cannot confer an immunity against statutory action.
- 6.51. The learned Additional Advocate General submits that the order appointing the Administrator has also been published in the Official Gazette on 20.05.2026. Thus, the requirement relating to Gazette publication under the Act has been duly complied with.
- 6.52. She submits that, even assuming the Petitioner contends that Gazette publication is a condition governing the legal efficacy of the appointment, the said requirement now stands satisfied by publication dated 20.05.2026. Consequently, the Petitioner cannot seek to invalidate the appointment on the ground that the order had not been published in the Gazette.

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6.53. She further submits that the Gazette publication confirms that the appointment was made by the competent statutory authority and that the Administrator was appointed in accordance with the statutory scheme. The contention that the Administrator had no authority whatsoever to assume office therefore does not survive in view of the subsequent publication.

6.54. The learned Additional Advocate General submits that the contention that the Administrator cannot displace the democratically elected Executive Committee is equally without merit. The appointment under Section 27-A is itself a statutory intervention which necessarily carries with it the consequence of the Administrator assuming management of the Society in accordance with the terms and period of appointment.

6.55. The learned Additional Advocate General therefore submits that the challenge raised by the Petitioner proceeds on an erroneous assumption that the enquiry report itself constituted the decision to appoint an

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Administrator. The report was only the outcome of the enquiry conducted by the authorised Enquiry Officer. The ultimate statutory decision was taken by the State Government, which was the competent authority under Section 27-A.

6.56. She submits that the record establishes the following sequence: the complaints were received; the Registrar initiated the enquiry; the Petitioner-Club was put on notice; the Club and its office bearers participated in the proceedings; repeated opportunities were granted to furnish explanations and documents; oral submissions were made on behalf of the Club; the Enquiry Officer recorded his findings; the report was placed before the competent authorities; the State Government thereafter issued a separate show-cause notice dated 09.04.2026; the Petitioner did not submit any reply thereto; the State Government considered the material available on record and proceeded to appoint the Administrator; and the appointment was subsequently published in the Official Gazette on 20.05.2026.

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- 6.57. Her submission is therefore that the principal objections raised by the Petitioner, namely, absence of notice, denial of oral hearing, non-compliance with Rule 8, refusal to receive documents, failure to consider the Petitioner's defence, lack of independent consideration by the State Government, absence of a further enquiry under Section 27-A, want of jurisdiction on the part of the Enquiry Officer, and absence of Gazette publication, are all factually and legally unsustainable.
- 6.58. She accordingly submits that the Petitioner was afforded adequate and effective opportunity at both stages of the proceedings, namely, during the enquiry conducted by the authorised Enquiry Officer and before the State Government prior to exercise of the power under Section 27-A. The State Government, being the competent authority, independently exercised the statutory power upon consideration of the material available before it. There being no violation of the statutory procedure or principles of natural justice warranting interference under Article 226 of the

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Constitution, the writ petition is liable to be dismissed.

7. Sri. K.M. Prakash, learned counsel, filed I.A. No.6/2026 seeking impleadment of the applicants in the present proceedings on the ground that they are members of the Petitioner-Society. This Court, by order dated 24.07.2026, permitted the learned counsel to assist the Court as an intervener; however, the application for impleadment was not allowed. Accordingly, the applicants have not been impleaded as parties to the proceedings, and the learned counsel has been heard in the limited capacity of an intervener assisting the Court.

7.1. He relied upon the decision of this Court in ***K.Shivanna and Others Vs. State of Karnataka by its Secretary***,⁶ more particularly paras 12.2, 12.3, 12.4, 12.5 and 13.1, which are reproduced hereunder for easy reference:

"12.2 He relies on the second portion of Clause (c) of Sub-Section (1) of Section 27A of KSRA, 1960, to contend that on enquiry the State Government, if it considers it necessary in public interest to do so, would include an enquiry under Section 25 of the KSRA, 1960 and as such, notice has to be issued to the governing

⁶ W.P.No.33814/2025 C/w W.P.No.33855/2025 dated 28.11.2025



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body/ existing Committee, to be heard before an order of appointment of an Administrator is passed.

12.3 *I am unable to agree with this submission also inasmuch as that enquiry is related to the circumstances covered under Clause (c) of Sub-Section (1) of Section 27A of KSRA, 1960, and not to that covered under Clause (b) of Sub-Section (1) of Section 27A of KSRA, 1960, inasmuch as there is no further enquiry to be made when the term of the governing body of a Society has expired and a new governing body has not for any reason been constituted. Inasmuch as, admittedly, the term expired on 12.10.2025 (actually 11.10.2025), by which date no elections were held and no new governing body/Management Committee had taken charge.*

12.4 The explanation which has been offered by the existing Committee that there will be disruption of work and/or handover cannot be made properly is only an excuse on part of the Committee to extend its term inasmuch as the Committee was always aware that the term would expire on 11.10.2025 and it ought to have made necessary arrangements for audit, for completion of work or the like. Be that as it may, even if there are works which are pending, the new Committee could continue and complete those works, which cannot be a ground for extending the term of the existing Committee.

12.5 *Hence, I answer point No.2 by holding that while exercising powers under Clause (b) of Sub-Section (1) of Section 27A of KSRA, 1960, the principles of natural Justice are not required to be followed, the existing Committee is not required to be heard, if the term of the existing Committee has come to an end and a new Committee has not taken charge in terms of Clause (b) of Sub-Section (1) of Section 27A of KSRA, 1960, an Administrator would have to be appointed, the only formality being an order to be passed by the state government, which is required to be published in the official Gazette.*

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13.1 Having answered point No.2 above, the principles of natural Justice are not required to be followed. Hence, the question of enquiry under Section 25, is also not required since I have already rejected the contention of Sri.M.R.Rajagopal, learned Counsel that on enquiry, the State Government, must consider it necessary in public interest to do so, would not apply to Clause (a) and (b), but it is only integral and restricted to Clause (c) of Sub-Section (1) of Section 27A of KSRA, 1960."

7.2. By relying on **K.Shivanna**, his submission is that the nature and extent of the procedure to be followed by the State Government while exercising the power under Section 27-A(1) depends upon the particular clause under which the Administrator is proposed to be appointed. The requirement of an enquiry culminating in the State Government satisfying itself that appointment of an Administrator is necessary in the public interest is specifically attracted to the circumstances falling under Clause (c) of Section 27-A(1), and cannot be mechanically imported into cases falling under Clause (b).

7.3. He submits that Clause (b) operates in a materially different factual situation, namely, where the term of the governing body of the Society has expired and, for whatever reason, a

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new governing body has not been constituted. In such a case, the expiry of the tenure is an objective and ascertainable fact. Once the term of the existing governing body has expired and the newly constituted governing body has not taken charge, the outgoing Committee has no continuing statutory tenure which can be extended merely on the ground that certain administrative or other matters remain incomplete.

7.4. His submission is that, in such circumstances, the appointment of an Administrator under Clause (b) is not founded upon an allegation of misconduct, financial irregularity or other wrongdoing requiring adjudication. It is a statutory consequence flowing from the expiry of the term of the governing body and the absence of a newly constituted governing body. Consequently, the considerations applicable to an appointment under Clause (c), including an enquiry into the circumstances warranting intervention in the public interest, cannot be imported into an appointment under Clause (b).

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7.5. He submits that the decision in ***K. Shivanna*** makes it clear that, while exercising the power under Clause (b), the State Government is not required to issue a notice to the outgoing Committee or afford it an opportunity of hearing merely before appointing an Administrator. The principles of natural justice do not have to be separately complied with in such a case because there is no disputed allegation requiring an adjudicatory determination against the existing Committee.

7.6. He further submits that the fact that the outgoing Committee may have certain pending works, administrative matters, accounts or other matters to be completed cannot confer upon it a right to continue beyond the statutory tenure. The Committee is expected to make necessary arrangements before expiry of its term so as to facilitate an orderly transition. The pendency of work or the apprehension of disruption in handing over charge cannot, by itself, constitute a ground for continuation of the expired Committee.

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7.7. Relying particularly upon paragraph 13.1 of **K. Shivanna**, he submits that the requirement of an enquiry under Section 25 is not an invariable or universal precondition for every exercise of power under Section 27-A. The said requirement is integral to and confined to the circumstances contemplated under Clause (c). It does not extend to the cases covered by Clauses (a) and (b), where the statutory basis for intervention is different.

7.8. He therefore submits that the Petitioner's contention that, in every case where the State Government proposes to appoint an Administrator, it must first conduct an enquiry under Section 25, afford an opportunity of hearing and record a satisfaction that appointment is necessary in the public interest, is contrary to the express distinction drawn in Section 27-A(1) and the interpretation placed upon the provision by this Court in **K. Shivanna**.

7.9. His submission is that the authorities relied upon by the Petitioner concerning the requirement of enquiry, hearing and

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independent satisfaction of the State Government have to be understood in the context of Clause (c) of Section 27-A(1), where the appointment of an Administrator is founded upon circumstances requiring such an enquiry. Those decisions cannot be applied indiscriminately to a case falling under Clause (b), where the statutory trigger is the expiry of the term of the governing body coupled with the failure to constitute or bring into office a new governing body.

7.10. He accordingly submits that the first question for consideration is the precise statutory provision under which the State Government has exercised the power to appoint the Administrator. If the appointment is referable to Clause (b) of Section 27-A(1), the requirement of a further enquiry under Section 25 and a separate opportunity of hearing to the outgoing Committee, as contemplated in cases falling under Clause (c), would not arise. The only statutory requirement, according to the decision in ***K. Shivanna***, is that the State Government pass the requisite order of

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appointment and publish the same in the Official Gazette.

7.11. He further submits that the Petitioner's reliance upon the fact that its office bearers were democratically elected cannot, in the circumstances contemplated by Clause (b), extend the tenure of the governing body beyond that prescribed by the Society's governing framework. The democratic character of the Committee does not confer a right to continue in office after expiry of its lawful tenure.

7.12. He therefore submits that, if the material on record establishes that the term of the existing governing body had expired and that no newly constituted governing body had taken charge, the State Government was competent to appoint an Administrator under Clause (b) without undertaking a further enquiry into the alleged irregularities or recording a separate finding regarding public interest. The challenge based solely upon non-compliance with the procedure applicable to Clause (c) would consequently be misplaced.

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7.13. He submits that the subsequent publication of the order of appointment in the Official Gazette would further satisfy the statutory requirement recognised in paragraph 12.5 of ***K. Shivanna***. Consequently, once the appointment is shown to have been made under the appropriate clause of Section 27-A(1) and the order has been duly gazetted, the challenge based upon absence of a prior enquiry or prior hearing cannot be sustained if the case falls within Clause (b).

7.14. His submission, therefore, is that ***K. Shivanna*** establishes an important distinction in the statutory scheme: an appointment under Clause (b), founded upon expiry of the tenure of the governing body and absence of a new governing body, does not require the enquiry and natural justice safeguards applicable to Clause (c); whereas an appointment under Clause (c), being founded upon circumstances warranting intervention in the public interest, attracts the requirement of enquiry and the corresponding opportunity contemplated by the provision.

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7.15. He accordingly submits that the Petitioner's challenge must first be tested with reference to the particular clause of Section 27-A(1) under which the Administrator has been appointed. The Petitioner cannot rely upon the procedural safeguards applicable to Clause (c) to invalidate an appointment validly made under Clause (b). On that basis, he submits that the challenge to the appointment on the ground of absence of a further enquiry and absence of an opportunity of hearing is liable to be rejected.

7.16. He refers to the decision in ***Rajya Vokkaligara Sangha and the State of Karnataka by its Principal Secretary,***⁷ more particularly, para 12, 50 and 51 thereof which are reproduced hereunder for easy reference:

"12. During pendency of the present writ petitions, an application was filed by the impleading applicants seeking permission to implead themselves and to come on record as Respondent Nos.4 to 9. After hearing the parties, this Court by the order dated 28.11.2018 allowed the application and permitted the proposed impleading applicants to come on record as Respondent Nos.4 to 9, who have also filed their written submission reiterating the objections filed by the State Government contending that, the Rajya Vokkaligara Sangha has committed several mismanagement, misfeasance and misuse of funds, against the interest of the Sangha while admitting the students to the Medical

⁷ W.P.No.36772/2018 and other connected matters dated 08.01.2019



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College run by the Sangha for the First Year MBBS Course and there has been host complaints lodged by the students and their parents regarding the gross misconduct and corruption by the Executive Committee Members. The Office bearers of the Sangha and its Executive Committee Members have collected entire admission fees fixed by the Government from the MBBS students and inspite of collecting entire admission fees from students for the respective academic year, they have not deposited the entire amount to the account of the Sangha. They have remitted only a part of the amount and retained the balance amount with themselves with an undertaking that they will remit the same at a later stage. But till now, they have not remitted the same. Hence, the Sangha-Institution has suffered huge loss of money. In those context, some of the students, who have been admitted in excess than the quota fixed by the Government for Medical Courses by misleading them for extraneous consideration and when their admissions were not approved by the MCI/University, had also approached this Court and this Court had passed strictures on the Management of the Institution by imposing penalty of Rs. Three Crores which shows that the Managing Committee is not protecting the interest of the Institution/Sangha and there are criminal cases registered against some of the Office Bearers or Directors. Therefore, sought to dismiss the writ petitions.

50. *Though Respondent Nos.4 to 9 filed the written statement and brought to the notice of the Court that several irregularities have been committed by the Office Bearers of the Sangha including criminal cases, this Court cannot take into consideration to supply new material to the impugned order. As it is well settled by the catena of decisions of this Court and the Hon'ble Supreme Court, the Respondents cannot supplement to the impugned order by way of additional documents or the statement of objections in support of the impugned order. The State Government, who has passed the impugned order is justified in appointing the Administrator under the provisions of Section 27-A(1)(a) of the Act in view of the admitted facts and violation of the provisions of Sections 11, 12 and 13 of*

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the Act and the Bye-laws of the Sangha, as stated in the pleadings of the writ petitions.

51. *It is high time for the members of the Rajya Vokkaligara Sangha or any other Sanghas or Societies to maintain honesty and integrity while electing the Office Bearers of the respective Societies in the interest of Community and Society at large. It is to be remembered that "there is no wealth greater than good reputation and, bad reputation is death itself". The persons who contest the elections to the Societies or particular Sangha as Members should adopt and practice three principles of life: "Daiva Preethi, Papa Bheethi, Sanga Neethi i.e., Love for God, Fear of sin, Morality in Society". If there is no Morality to a person to contest the election for the Society or on behalf of any Sangha, it is his death itself."*

7.17. By referring to **Rajya Vokkaligara Sangha**, his submission is that the office bearers of a registered Society are under an obligation to discharge their functions in accordance with the provisions of the Act, the Rules and the bye-laws of the Society and in a manner that protects the interests of the Society and its members. The elected status of the office bearers does not confer upon them any immunity from statutory scrutiny or intervention where the affairs of the Society are found to have been conducted contrary to the governing statutory provisions or the bye-laws.

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7.18. He submits that, in the present case, the enquiry report records specific irregularities in the functioning and financial administration of the Petitioner-Club. The findings are not based upon a mere difference of opinion between the members of the Club, but upon the material collected during the course of the enquiry, including the manner of collection and accounting of membership subscriptions, maintenance of financial records and compliance with the bye-laws governing the affairs of the Club.

7.19. His submission is that the material placed before the competent authority disclosed circumstances warranting statutory intervention in the affairs of the Club. The Enquiry Officer, upon consideration of the material available during the enquiry, recorded findings regarding the irregularities and recommended appropriate consequential action. The report was thereafter placed before the competent authority and the State Government, upon consideration of the material, proceeded to appoint an Administrator.

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7.20. He submits that the decision in ***Rajya Vokkaligara Sangha*** also makes it clear that the validity of the action of the State Government has to be tested with reference to the material and reasons which formed the basis of the impugned order. The Respondents cannot seek to cure any deficiency in the order by subsequently introducing fresh grounds, documents or explanations through their statement of objections.

7.21. His submission, therefore, is that the State Government is not seeking to supplement the impugned order by relying upon material which was unavailable or not considered at the time of passing the order. The appointment of the Administrator is founded upon the enquiry report and the material which was placed before the competent authority during the statutory proceedings. The subsequent reference to such material in the statement of objections is only explanatory of the basis on which the impugned action was taken and does not constitute an attempt to introduce a new ground for the appointment.

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7.22. He further submits that the Petitioner has not demonstrated that the findings recorded in the enquiry report are wholly unsupported by the material available on record. On the contrary, the enquiry proceedings disclose repeated opportunities having been afforded to the Club and its office bearers to produce the relevant records and explain the allegations. The Petitioner having failed to place the requisite material before the Enquiry Officer cannot now seek to invalidate the proceedings merely by disputing the conclusions reached therein.

7.23. His submission is that the financial and administrative irregularities recorded in the enquiry report are material circumstances which the competent authority was entitled to take into consideration while determining whether statutory intervention in the management of the Club was warranted. The proper maintenance of the funds and records of a registered Society and adherence to its bye-laws are matters directly connected with the lawful administration of the Society.

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7.24. He submits that the decision in ***Rajya Vokkaligara Sangha*** demonstrates that where there are admitted facts or material demonstrating violation of the governing statutory provisions and bye-laws, the State Government is entitled to exercise the power conferred upon it under Section 27-A. The power is intended to ensure that the affairs of a registered Society are conducted in accordance with law and that the interests of the Society are not prejudiced by the acts or omissions of its governing body.

7.25. He accordingly submits that the fact that the Petitioner-Club is managed by a democratically elected Executive Committee cannot, by itself, defeat the statutory power of the State Government. The right of an elected governing body to continue in management is subject to the Act, the Rules and the bye-laws, as well as the statutory powers conferred upon the State Government where the conditions prescribed under Section 27-A are satisfied.

7.26. He further submits that the conduct of the office bearers, as disclosed from the enquiry

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proceedings, is relevant to the consideration of whether the existing management is capable of properly administering the affairs of the Club. The repeated failure to produce the relevant financial and administrative records, coupled with the findings recorded in the enquiry report regarding the manner in which membership funds were collected and accounted for, constitutes sufficient material for the competent authority to consider intervention.

7.27. His submission is that the Petitioner cannot seek to compartmentalise the individual irregularities identified in the enquiry report and contend that each irregularity, viewed in isolation, is insufficient to warrant appointment of an Administrator. The competent authority was entitled to consider the cumulative effect of the financial, administrative and procedural irregularities while determining whether continuation of the existing management was consistent with the interests of the Club and its members.

7.28. He submits that the enquiry report, read as a whole, discloses a pattern of irregular

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administration rather than an isolated or technical infraction. The findings regarding collection of membership subscriptions, non-accounting of cash collections, non-issuance of receipts, inadequate maintenance of financial records and irregularities in the conduct of the affairs of the Club were circumstances which the competent authority was entitled to consider cumulatively.

7.29. He accordingly submits that, once the competent authority was satisfied on the basis of the material before it that statutory intervention was warranted, the appointment of an Administrator cannot be interfered with merely because the Petitioner seeks to place a different interpretation upon the facts or disputes the conclusions recorded in the enquiry report.

7.30. He submits that the observations in paragraph 51 of ***Rajya Vokkaligara Sangha***, though expressed in strong terms, emphasise the broader principle that persons entrusted with the management of registered Societies are required to act with honesty, integrity and in

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the interests of the Society and its members. The elected office bearers hold a position of trust and are required to ensure proper administration and financial accountability.

7.31. He therefore submits that the present case is not one where the State Government has interfered with the elected management merely on the basis of a private dispute or unsubstantiated allegations. The appointment has followed an enquiry pursuant to complaints, consideration of the material relating to the affairs of the Club, recording of findings by the Enquiry Officer and consideration of the matter by the competent authority.

7.32. He accordingly submits that no fault can be found with the action of the State Government in appointing an Administrator, particularly when the material on record demonstrates irregularities in the administration and financial affairs of the Club and the Petitioner has failed to effectively rebut the same despite opportunities having been afforded to it.

7.33. He submits that, to the extent the appointment is founded upon Clause (b) of Section 27-A(1),

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the additional requirement of an enquiry and satisfaction in public interest contemplated under Clause (c) would not arise, in view of the law laid down in ***K. Shivanna***. The State Government was therefore entitled to proceed in accordance with the statutory consequence contemplated under Clause (b), subject to compliance with the requirements applicable to that provision.

7.34. He therefore submits that the reliance placed by the Petitioner upon decisions concerning the procedural requirements applicable to appointments under Clause (c) is misplaced if, on a proper construction of the impugned order and the statutory basis for the appointment, the action is referable to Clause (b). The challenge must be examined with reference to the precise statutory clause invoked and the reasons recorded by the State Government in support of its action.

7.35. He accordingly submits that the decision in ***Rajya Vokkaligara Sangha***, read with ***K. Shivanna***, supports the validity of the action taken by the State Government, provided the

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impugned order itself discloses the statutory basis and material upon which the power under Section 27-A was exercised. The Petitioner has not established any ground warranting interference with the impugned order and the writ petition is therefore liable to be dismissed.

8. Sri D R Ravishankar, Learned Senior Counsel for the Petitioner, in reply would submit that

8.1. He relies upon the decision in ***Bharata Ratna Mokshgundam Viswaswaraiah Education Society Vs. District Registrar, (Deputy Commissioner), Kolar***, more particularly para 6 thereof, which is reproduced hereunder for easy reference.

"6. The grounds mentioned in the aforesaid clauses (a) and (b) of sub-sec. (1) of S. 27A of the Act are not exhaustive. The report made by the Registrar under sub-cl. (c) thereof may be on the other grounds other than the grounds mentioned in clauses (a) and (b) thereof. The State Government under S. 27A(1) of the Act is empowered to appoint an Administrator for a Society registered under the Act either on a report made by the Registrar or otherwise, but on enquiry the State Government has to be satisfied that it is necessary in the public interest to appoint an Administrator. No doubt, the Registrar has no power under S. 27A(1) of the Act to appoint an Administrator for a Society registered

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under the Act; but he is entitled to make a report to the State Government for appointing an Administrator to the Society. If for the purpose of making such a report, the Registrar gives a notice to the Society and calls upon it to show cause as to why an action under S. 27A(1) of the Act should not be taken, such an act cannot be held beyond the competence of the Registrar. Show cause notice issued by the Registrar is only for the purpose of making a report to the State Government under S. 27A(1)(c) of the Act and not for appointing an Administrator by himself. Therefore, it is not possible to hold that the notice issued by the Registrar is illegal and is opposed to the provisions of S. 27A(1) of the Act. Even though the report is made by the Registrar after affording an opportunity to the Society, the State Government on receipt of such a report is still required to afford an opportunity to the society, and it has to be satisfied on holding an enquiry that it is necessary in public interest to appoint an Administrator for the soociety for a specified period as per the provisions contained in clause (c) of sub-sec. (1) of S. 27A of the Act, as the power to appoint an Administrator is vested in the State Government. The fact that the Registrar has given notice before making a report under clause (c) of sub-Section (1) of S. 27A of the Act does not dispense with the enquiry to be held and an opportunity to be afforded to the Society by the State Government before it decides to appoint an Administrator to the Society. Therefore, point No. 3 is answered against the Petitioner."

8.2. By relying on ***Bharata Ratna Mokshgundam Viswaswaraiah Education Society***, his submission is that the statutory scheme under Section 27-A(1) of the Act draws a clear

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distinction between the role of the Registrar and that of the State Government. The Registrar is competent to conduct the enquiry necessary for the purpose of making a report under Section 27-A(1)(c) and to submit such report to the State Government; however, the power to appoint an Administrator is vested exclusively with the State Government. The Registrar, therefore, cannot, either expressly or by implication, assume the power of appointment vested in the State Government.

8.3. He submits that the report of the Registrar is only the material upon which the State Government may proceed under Section 27-A(1)(c) and does not conclude the matter. Upon receipt of such report, the State Government is required to independently consider whether the statutory conditions for appointment of an Administrator are satisfied. In particular, it is required to afford an opportunity to the Society and, upon holding the enquiry contemplated under the provision, arrive at its own satisfaction that appointment of an Administrator is necessary in the public interest for a specified period.

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8.4. His submission, therefore, is that the enquiry conducted by the Registrar for the purpose of submitting a report cannot be treated as a substitute for the enquiry required to be undertaken by the State Government before exercising its statutory power of appointment. The fact that the Society may have been afforded an opportunity by the Registrar before submission of the report does not, by itself, dispense with the independent obligation of the State Government to afford an opportunity to the Society and to consider the matter before taking the consequential decision.

8.5. He accordingly submits that the State Government cannot mechanically act upon, or merely accept, the report submitted by the Registrar and proceed to appoint an Administrator. It must independently apply its mind to the report, the objections/explanation of the Society and the other material available on record, and must record the requisite satisfaction that appointment of an Administrator is necessary in the public interest.

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8.6. In the present case, his submission is that no such independent enquiry has been undertaken by the State Government and no separate opportunity of hearing has been afforded to the Society after receipt of the Registrar's report. Consequently, the statutory preconditions for exercise of the power under Section 27-A(1)(c) have not been fulfilled. The appointment of the Administrator, having been made without compliance with the mandatory statutory procedure, is therefore liable to be set aside.

8.7. He further submits that where the State Government proceeds to appoint an Administrator without undertaking the enquiry contemplated under Section 27-A(1)(c), and without affording the Society the opportunity expressly contemplated by the provision, the resulting appointment is without jurisdiction and cannot be sustained in law. He accordingly submits that the impugned appointment ought to be set aside.

8.8. He relies upon the decision in ***K.N.Rudrappa and Others Vs. The State of Karnataka, Rep. by its Principal Secretary Revenue***

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Department,⁸ more particularly paras 10, 11 and 12 thereof, which are reproduced hereunder for easy reference:

"10. In view of the contention put forth on behalf of Respondent No. 1 that the present action has been initiated on the report of the Registrar, obviously the power is sought to be exercised as contemplated under Section 27A(1)(c) of the Act. When that is the position, even before advertng to the issue as to whether such situation on the instant facts had arisen, it is necessary to notice as to whether the procedure contemplated in law had been followed. Though the learned counsel for the Respondents had relied on the decision in the case of the very same society noticed supra, it would not apply to the present situation since nothing has been brought on record with regard to the notice having been issued by the Government before passing the order under Section 27A of the Act. It is no doubt true that the Enquiry Officer had issued a notice dated 25.05.2012 and the society had replied to the same on 26.06.2012. Subsequent thereto, the Registrar had issued the notice dated 18.01.2013 wherein it is informed to the society that since an enquiry is to be conducted with regard to the report submitted relating to the election conducted to elect the office bearers, the society is required to appear with all the documents. The society has made a detailed reply dated 06.02.2013. Thereafter neither a detailed enquiry has been held nor the report been sent to the society. However, the impugned order dated 05.07.2013 refers to two reports of the Registrar - one dated 09.11.2012 and the other dated 14.03.2013 which are both subsequent to the date of the elections to the post of the office bearers which were scheduled on 21.03 2012. The details of the said report has not been relied upon in these petitions to come to a conclusion as to whether the Registrar was justified in his conclusion in the background of the

⁸ 2014 SCC Online Kar 2040



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contention put forth by the Respondents that the election had been held by nominating persons who were not entitled to and excluding persons who were entitled to.

11. *Even otherwise, if there were certain reports adverse to the society and even if a situation for exercise of power under Section 27A of the Act had arisen, the Government was required to notify the society and should have provided an opportunity as held by this Court in the case of People's Education Society (supra). In fact this aspect has been amplified further by a subsequent decision of this Court and as such, it will be useful to refer to the case of Bharataratna Mokshagundam Vishweshwaraiah Education Society v. The District Registrar (Deputy Commissioner), Kolar (AIR 1985 Kar 163) wherein it is held as hereunder:*

5B. Even though the report is made by the Registrar after affording an opportunity to the Society, the State Government on receipt of such a report is still required to afford an opportunity to the society and it has to be satisfied on holding an enquiry that it is necessary in public interest to appoint an Administrator for the society for a specified period as per the provisions contained in clause (c) of sub-sec (1) of S. 27A of the Act, as the power to appoint an Administrator is vested in the State Government. The fact that the Registrar has given notice before making a report under clause (c) of sub-Section (1) of S. 27A of the Act does not dispense with the enquiry to be held and an opportunity to be afforded to the Society by the State Government before it decides to appoint an Administrator to the Society. Therefore, point No. 3 is answered against the Petitioner.

12. *In addition, it would also be useful to take note of the decision of this Court in the case of V. Narayanaswamy v. The State of Karnataka (2004 (1) KCCR 504) wherein the decision of the Registrar was the recommendation for appointment of Administrator. In such situation, it was held that it is mandatory for the Registrar to communicate the result of enquiry to*

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*the Society concerned, so that the Society should have the opportunity to defend such action. Since no copy was furnished and further since no enquiry was held as mandatorily required under Section 27-A(1)(c) of the Act, the order appointing the Administrator was found fault with and the samBy relying on **K.N.Rudrappa**, his submission is that this Court in **K.N.Rudrappa's** case has come to a conclusion that if the State were not to conduct an enquiry by issuance of notice under Section 27-A(1)(c), then any order passed by the government without such an enquiry is illegal. Apart from the Registrar notifying the Society about the enquiry report, it was also required for the government to notify the Society about its intention to appoint an Administrator for the Society. Clause-C of Sub-Section 1 of Section 27-A does not dispense with the enquiry to be held and an opportunity to be afforded to the Society by the State Government before it appoints an Administrator to the Society. In the present case, the State Government not having issued any notice, the State Government could not have appointed an Administrator."*

8.9. By relying on **K.N.Rudrappa**, his submission is that where the power under Section 27-A(1)(c) of the Act is sought to be exercised on the basis of a report submitted by the Registrar, the statutory procedure does not come to an end with the enquiry conducted by the Enquiry Officer or the Registrar. The report of the Registrar is only a step preceding the exercise of the statutory power by the State Government, which is the competent authority to appoint an Administrator.

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8.10. He submits that the decision in ***K.N. Rudrappa*** makes it clear that even where the Enquiry Officer or the Registrar has issued notice to the Society and afforded it an opportunity during the enquiry, such opportunity cannot be treated as a substitute for the opportunity required to be afforded by the State Government before exercising the power under Section 27-A(1)(c).

8.11. His submission is that the State Government, upon receipt of the report of the Registrar, is required to independently notify the Society of the proposed action and afford it an effective opportunity to meet the allegations and findings contained in the report. The State Government is thereafter required to consider the material available on record and satisfy itself that the statutory conditions for appointment of an Administrator under Clause (c) are fulfilled.

8.12. He submits that the requirement of an enquiry under Section 27-A(1)(c) cannot be treated as a mere formality. The provision contemplates an independent consideration by the State Government as to whether, in the facts and circumstances of the case, appointment of an

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Administrator is necessary in the public interest. The report submitted by the Registrar may constitute the basis for such consideration, but it does not itself constitute the decision of the State Government.

8.13. He further submits that the distinction between the enquiry conducted by the Registrar/Enquiry Officer and the consideration required by the State Government is fundamental. The former results in a report or recommendation; the latter involves exercise of the statutory power to appoint an Administrator. Since the power of appointment is vested in the State Government, the State Government must itself comply with the procedural safeguards attached to that power.

8.14. Relying upon paragraph 11 of ***K.N. Rudrappa***, he submits that even if an adverse report has been submitted by the Registrar and even if circumstances exist which may warrant exercise of power under Section 27-A, the Government is still required to notify the Society and afford it an opportunity before passing the order of appointment.

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8.15. He submits that the opportunity afforded before the Enquiry Officer or the Registrar cannot be treated as sufficient compliance with the requirement applicable at the stage of decision-making by the State Government. The Society must have an opportunity to meet the case which is ultimately placed before the State Government and the proposed consequential action of appointment of an Administrator.

8.16. He further relies upon the principle referred to in paragraph 12 of **K.N. Rudrappa**, arising from **V. Narayanaswamy** [2004 (1) KCCR 504], that where the Registrar's decision constitutes a recommendation for appointment of an Administrator, the result of the enquiry is required to be communicated to the Society so as to enable it to defend itself against the proposed action. The communication of the report is therefore an important component of the procedural safeguards available to the Society.

8.17. His submission is that the failure to communicate the enquiry report, coupled with the failure of the State Government to issue

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notice to the Society before appointing an Administrator, deprives the Society of an effective opportunity to challenge the factual and legal basis for the proposed appointment. Such a procedure, according to him, is contrary to the express statutory scheme and the law laid down by this Court.

8.18. He submits that the State Government cannot rely merely upon the fact that the Society had participated in the proceedings before the Enquiry Officer. The relevant question is whether the Society was afforded an opportunity at the stage when the State Government itself proposed to exercise the power under Section 27-A(1)(c). The opportunity at the earlier stage and the opportunity at the stage of consequential decision-making operate at distinct stages and serve different purposes.

8.19. In the present case, his submission is that, though the Petitioner-Club participated in the enquiry conducted by Respondent No.4, the enquiry report was thereafter acted upon by the authorities without the State Government

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undertaking the independent enquiry contemplated under Section 27-A(1)(c). According to him, the Petitioner was not issued an appropriate notice by the State Government setting out the proposed action on the basis of the enquiry report and was not afforded an effective opportunity to demonstrate why an Administrator should not be appointed.

8.20. He submits that the subsequent issuance of a show-cause notice dated 09.04.2026, relied upon by the State, would have to be examined to determine whether it constitutes the statutory opportunity contemplated under Section 27-A(1)(c), whether the enquiry report and material relied upon were made available to the Petitioner, and whether the Petitioner was afforded a meaningful opportunity to respond before the final decision was taken.

8.21. He further submits that merely issuing a show-cause notice cannot, by itself, establish compliance with the statutory requirement. The State Government was required to consider the response, if any, and the material placed by the Society and thereafter arrive at its own

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satisfaction regarding the necessity of appointment of an Administrator in the public interest. The requirement is therefore one of meaningful consideration and not merely issuance of notice as a procedural formality.

8.22. He submits that the subsequent order appointing the Administrator must therefore disclose that the State Government independently considered the material and arrived at the requisite satisfaction. If the order merely reproduces or adopts the findings of the Enquiry Officer without independent consideration, the requirement recognised in ***K.N. Rudrappa***, according to him, would not stand satisfied.

8.23. He accordingly submits that, in a case falling under Section 27-A(1)(c), the following stages are required to be distinguished: (i) initiation and conduct of the enquiry; (ii) recording of findings and submission of the report by the Enquiry Officer/Registrar; (iii) communication of the relevant findings/report to the Society; (iv) notice by the State Government of the proposed appointment; (v) opportunity to the

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Society to place its defence before the State Government; and (vi) independent consideration and satisfaction by the State Government that appointment of an Administrator is necessary in the public interest.

8.24. His submission is that the omission of any of these essential safeguards, particularly the independent opportunity before and consideration by the State Government, vitiates the exercise of power under Section 27-A(1)(c). The enquiry conducted by the Enquiry Officer cannot cure the subsequent failure of the State Government to comply with the statutory requirements governing its own exercise of the power.

8.25. He therefore submits that the decision in ***K.N. Rudrappa***, read with ***Bharataratna Mokshagundam Vishweshwaraiah Education Society*** and ***V. Narayanaswamy***, makes it clear that the Registrar's report is not conclusive and that the State Government must independently undertake the process contemplated by Section 27-A(1)(c), including

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affording an opportunity to the Society before deciding to appoint an Administrator.

8.26. He accordingly submits that, in the present case, if the State Government did not undertake such independent consideration and enquiry after receipt of the Registrar's report, the appointment of the Administrator is contrary to the mandatory requirements of Section 27-A(1)(c) and is liable to be set aside.

8.27. On all the above grounds, learned Senior counsel for the Petitioner submits that all the reliefs which have been sought for by the Petitioner are required to be granted.

9. Heard Sri. D.R. Ravishankar, learned Senior Counsel for the Petitioner, Smt. Prathima Honnapura, Learned Additional Advocate General for Respondents No.1 to 5, Sri.K. M. Prakash, learned counsel who is the intervener in I.A.No.6/2026 and Sri.C.M. Dhananjaya, learned counsel, who is the intervener in I.A.No.5/2026. Perused papers.

10. The points that would arise for consideration are:

(i) Whether the Section 25 enquiry and enquiry report dated 10.03.2026 are

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vitiated for non-compliance with Section 25 and Rule 8, including denial of oral hearing and failure to receive/consider the Petitioner's material?

- (ii) Whether, after receipt of the report of the authorised Enquiry Officer, the Registrar was required to independently apply his mind to the enquiry report and the material on record before acting upon or forwarding the same; and, where the Registrar recommended appointment of an Administrator and the Government thereafter issued a separate show-cause notice proposing such appointment and furnished the enquiry report to the Petitioner, whether the result of the enquiry was nevertheless required to be separately communicated to the Petitioner under Section 25(2)(c)(iii), or whether furnishing the enquiry report along with the Government's show-cause notice constituted sufficient compliance with the said provision?**
- (iii) Under which clause of Section 27-A(1), Clauses (a), (b) or (c), was the State Government's power exercised, and what are the statutory requirements applicable to such exercise?**
- (iv) Whether, as contended by the Petitioner, an enquiry and independent satisfaction by the State Government are required in all three contingencies under Section 27-A(1), or whether the requirement of enquiry and public-interest satisfaction is**

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confined to Clause (c), having regard, inter alia, to the decision in K. Shivanna?

- (v) If the appointment is referable to Clause (c), whether the State Government, after receipt of the Registrar's/Enquiry Officer's report, independently considered the material, afforded the Petitioner an effective opportunity, considered its response and arrived at the requisite satisfaction that appointment of an Administrator was necessary in public interest?
- (vi) Whether the order dated 14.05.2026 appointing the Administrator is otherwise sustainable in law, and consequently whether the Petitioner is entitled to the reliefs sought?
- (vii) What Order?

11. This Court answers the above points as follows:

12. **Answer to Point No. (i): Whether the Section 25 enquiry and enquiry report dated 10.03.2026 are vitiated for non-compliance with Section 25 and Rule 8, including denial of oral hearing and failure to receive/consider the Petitioner's material?**

12.1. Sri D.R. Ravishankar, learned Senior Counsel for the Petitioner, submitted that the enquiry conducted by Respondent No.4, the Assistant

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Registrar of Societies acting as Enquiry Officer, was vitiated from the very outset. His first plank was factual. According to him, the President, Vice-President, Secretary, Joint Secretary and Executive Committee members of the Club appeared before the Enquiry Officer on 04.02.2026. They tendered a detailed explanation running to about eleven pages, supported by roughly four hundred pages of documents. This material, he said, was not accepted, and no reason was assigned for the refusal. A second set of written replies, supported by close to thirteen hundred and fifty pages of documents, was tendered on 04.03.2026 by the Secretary and the Treasurer, and this too, according to the Petitioner, met the same fate. Taken together, his submission was that upward of seventeen hundred pages of material placed by the Club before the Enquiry Officer never found their way into the enquiry report, because they were never taken on record in the first place.

12.2. His second ground concerned the atmosphere in which the enquiry was held. He submitted that persons who were neither officers of the

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Department nor members of the Club were present during the proceedings. The proceedings, he said, were conducted in an atmosphere of intimidation and coercion, including apprehension of physical harm to office bearers, and this could be shown through CCTV footage and photographs taken at the time. On this basis, he described the enquiry as having proceeded in a manner that was arbitrary, mala fide and contrary to natural justice, with the Enquiry Officer effectively acting as a mouthpiece for the two complainants, Sri K. Puttaswamy Gowda and Sri Hanumantharayappa, rather than as an independent statutory functionary.

12.3. Learned Senior Counsel then referred to the statutory scheme. He first referred to Section 25 of the KSR Act and submitted that the provision contemplates an enquiry into the constitution, working and financial condition of a registered society. Such enquiry may be conducted by the Registrar himself or by a person authorised by him in accordance with the Rules. He then referred to Rule 8 of the KSR Rules and submitted that it lays down a

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specific procedure to be followed in the enquiry. The procedure includes issuance of notice setting out the matters to be enquired into, an opportunity to the society to submit its written explanation and, separately, an oral hearing on the date fixed for the enquiry.

12.4. He submitted that the use of the word "shall" in Rule 8(4) makes the oral hearing mandatory. A written explanation under Rule 8(3), according to him, cannot take the place of the oral hearing required under Rule 8(4). Therefore, an oral hearing was not given and that the same was not recorded, the enquiry report would be contrary to Rule 8(4).

12.5. In support of this submission, he relied upon the decision of the Division Bench of this Court in ***Sri Beereswara Devastana Seva Samiti, Madlere Vs. The State of Karnataka***, particularly paragraphs 15 and 16. He submitted that, in that case, the Hon'ble Division Bench noticed that the order sheet did not show that an oral hearing had been given and, on that basis, held that the enquiry report

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was in violation of Rule 8(4) and the principles of natural justice.

12.6. Learned Senior Counsel also relied upon the decision of a co-ordinate bench of this Court in ***BHEL Employees Welfare Association Vs. State of Karnataka***, particularly paragraph 7. His submission was that an enquiry or order cannot be sustained where the objections of the society are not considered, the documents produced by it are not dealt with and there is no satisfaction recorded as to whether the evidence was recorded in the manner required under Rule 8(4). According to him, the same defect is present in the present case. He submitted that about 1,700 pages of documents were produced by the Club, but the enquiry report does not deal with those documents or explain why they were not considered.

12.7. Learned Senior Counsel submitted that the validity of the enquiry has to be examined with reference to the following aspects:

12.7.1. whether notice as required under Rule 8(1) and (2) was issued;

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- 12.7.2. whether the Club was given a proper opportunity to submit its written explanation under Rule 8(3);
- 12.7.3. whether an oral hearing, as required under Rule 8(4), was actually given;
- 12.7.4. whether the documents and other material produced by the Club were received and considered;
- 12.7.5. whether the findings recorded under Rule 8(5) are supported by the material and by the procedure followed during the enquiry; and
- 12.7.6. where the enquiry was conducted by an authorised person, whether the Registrar thereafter independently considered the enquiry report and the material before taking any further action.
- 12.8. He submitted that the enquiry suffers from more than one of these defects. His further submission was that the report dated 10.03.2026, therefore, cannot form the basis for the subsequent action taken against the Club.

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12.9. Smt. Prathima Honnapura, learned Additional Advocate General appearing for Respondent Nos.1 to 5, responded to this contention by referring to the proceedings recorded in the order sheet of the enquiry. She submitted that the Enquiry Officer first fixed the matter for hearing on 20.01.2026. On that date, the President and the Treasurer appeared in the absence of the Secretary and sought forty-five days' time to submit their reply, stating that the relevant records were with the Secretary, who was stated to be unwell. The matter was accordingly adjourned.

12.10. She submitted that, on 04.02.2026, the Club represented that the documents were with Sri B.M. Ravishankar, a former office bearer, and sought a further three months' time. Sri B.M. Ravishankar, however, informed the Enquiry Officer that he had resigned earlier and did not have any documents of the Club. The matter was thereafter adjourned to 18.02.2026. As no substantive reply was filed on that date, the matter was again adjourned to 04.03.2026. On 04.03.2026, the Secretary and the Treasurer appeared, while the President was absent.

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According to the learned Additional Advocate General, the statements made on that date disclosed different versions as to who was in possession of the relevant records. The Secretary referred to the President, while the Treasurer stated that his role was confined to signing cheques at the instance of the President.

12.11. Learned Additional Advocate General submitted that the above chronology shows that the Club was given repeated opportunities to participate in the enquiry and to place its explanation and documents before the Enquiry Officer. She submitted that, despite the opportunities granted and the adjournments sought by the Club, no substantive explanation or specific documents, which the Club now claims were refused by the Enquiry Officer, were placed before the Enquiry Officer.

12.12. She further submitted that the order sheet records the participation of the office bearers and was signed by the President on the respective occasions without any protest being recorded. Her submission was that a party

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which participates in the proceedings, seeks and obtains repeated adjournments and signs the proceedings without recording any objection cannot subsequently contend, without identifying the particular instance, that it was denied an opportunity of hearing.

12.13. As regards the allegation that the Enquiry Officer refused to receive documents, learned Additional Advocate General submitted that the Petitioner has not identified any particular document which was actually tendered before the Enquiry Officer and refused to be received. According to her, the record instead shows that the Club itself gave different versions as to the person in possession of the relevant documents. She therefore submitted that the grievance is not one of refusal by the Enquiry Officer, but of the Club having failed to produce the documents despite being given sufficient opportunity to do so.

12.14. With regard to the decision in ***Sri Beereswara Devastana Seva Samiti***, learned Additional Advocate General submitted that the said decision turned on the facts of that case. She

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pointed out that, there, the order sheet did not disclose that an oral hearing had been given. In the present case, according to her, the order sheet records the appearance of the President, Secretary and Treasurer on different dates and also records the submissions made by them.

12.15. She therefore submitted that the record in the present case demonstrates that the Club was given an opportunity of oral hearing and that the requirement under Rule 8(4) was complied with. On that basis, she submitted that the enquiry and the report dated 10.03.2026 cannot be held to be vitiated for want of oral hearing.

12.16. **This Point involves two separate issues.**

The first is whether the requirement of oral hearing under Rule 8(4) of the Karnataka Societies Registration Rules was complied with. The second is whether the documents said to have been tendered by the Petitioner-Club were refused or ignored by the Enquiry Officer. The two issues have to be considered separately, keeping in view the provisions of Section 25 of the Act and Rule 8 of the Rules.

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12.17. Section 25 (1) of the Act, insofar as relevant, reads as follows:

"25. Enquiry by the Registrar, etc.- (1) *The Registrar may on his own motion and shall on the application of the majority of the members of the governing body or of not less than one-third of the members of the society, hold an enquiry or direct some person authorised by him by order in writing in accordance with the rules made in this behalf to hold an enquiry into the constitution, working and financial condition of a registered society.*"

12.18. Sub-Section (2), insofar as relevant, provides:

"(2) The Registrar or the person authorised by him under sub-Section (1) shall have the following powers, namely,-

(a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society...;

(b) he may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him...and may examine such person on oath;

(c)(i) he may...require the governing body of the society to call a general meeting...; (ii) any meeting called under sub-clause (i) shall have all the powers of a general meeting...; (iii) when an enquiry is made under this Section, the Registrar shall communicate the result of the enquiry to the society concerned."

12.19. Section 25 (1) thus permits the Registrar either to conduct the enquiry himself or to authorise another person to conduct it. The Registrar or the authorised person is given power to access

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the records of the society and to examine persons having knowledge of its affairs. The provision also specifically requires the Registrar to communicate the result of the enquiry to the society. Section 25 does not set out the detailed procedure to be followed during the enquiry. That procedure is prescribed by Rule 8 of the Rules.

12.20. Rule 8 of the Karnataka Societies Registration Rules, as referred to during the hearing, reads as follows:

"8. Enquiry by the Registrar.- (1) *Where the Registrar proposed to hold an enquiry under Section 25, either on his own motion or on an application, he or the person authorised by him under the said Section to hold an enquiry shall issue notice to the society concerned in this behalf.*

(2) *The said notice shall specify a date on which, place in which and the time at which, as also the matters in respect of which the enquiry will be held. The notice shall also call upon the society to furnish its explanation in respect of matters referred to therein before the date specified in the notice.*

(3) *The society shall furnish its explanation to the Registrar or the authorised person before such date."*

(4) *On the date fixed for the enquiry, or on such other date or dates to which the enquiry might be adjourned, the Registrar or the authorised person shall give the society a oral hearing. He may also examine such persons as may be considered necessary. He may receive any relevant document. If the society fails to furnish its explanation as required under sub-rule (3) or to attend the enquiry on the date fixed or the*

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adjourned date, the Registrar or the authorised person may proceed with the enquiry ex parte.

(5) On the completion of the enquiry, the Registrar or the authorised person shall record his findings and communicate the same to the society concerned."

12.21. Rule 8, read as a whole, sets out the procedure to be followed in the enquiry. It begins with notice, followed by an opportunity to submit a written explanation, an oral hearing and, thereafter, recording of findings. Rule 8(4) uses the word "shall" in relation to the oral hearing. The requirement of oral hearing, therefore, cannot be treated as optional. The filing of a written explanation does not dispense with the requirement of oral hearing. The two serve different purposes. A written explanation enables the society to place its case in writing, while an oral hearing gives it an opportunity to explain its case before the Enquiry Officer and answer any questions that may arise. To this extent, the submission of learned Senior Counsel is well founded.

12.22. The decision of the Division Bench in ***Sri Beereswara Devastana Seva Samiti***, also supports this position. In paragraph 15, the Hon'ble Division Bench observed that where

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Rule 8(4) requires the Enquiry Officer to give an oral hearing, it is necessary for the Enquiry Officer to record that such hearing was given to the society or the aggrieved person. In that case, since the order sheet did not disclose that an oral hearing had been given, the enquiry report was held to be in violation of Rule 8(4). The principle emerging from the decision is that the oral hearing required by Rule 8(4) must actually be given and the record of the enquiry should show that it was given.

12.23. The question, therefore, is whether this requirement was complied with in the present case. On this aspect, the facts are different from those in ***Sri Beereswara Devastana Seva Samiti***. The chronology placed before this Court by Smt. Prathima Honnapura, learned Additional Advocate General, and the dates of hearing are not in dispute. The order sheet shows that the office bearers of the Club appeared before the Enquiry Officer on 20.01.2026, 04.02.2026, 18.02.2026 and 04.03.2026. On these dates, the President, Secretary and Treasurer appeared on different occasions and made submissions. The

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submissions were mainly in relation to the availability and custody of the Club's records, and the matter was adjourned on more than one occasion. The Petitioner does not dispute that these proceedings took place. Its grievance is that the documents which it claims to have produced were not received or considered.

12.24. On the material before this Court, it cannot be held that there was no oral hearing as contemplated by Rule 8(4). In ***Sri Beereswara Devastana Seva Samiti***, the record did not show that any oral hearing had been given. The position here is different. The order sheet records the appearance of the Club's office bearers on four different dates and also records the submissions made by them. The requests for further time were considered and adjournments were granted. Thus, the record shows that the Club was given an opportunity to appear before the Enquiry Officer and make its submissions, which it did not.

12.25. Rule 8(4) requires an opportunity of oral hearing. It does not mean that the enquiry must be adjourned repeatedly until the society

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is ready with all its records. In the present case, the Club was given more than one opportunity to appear and make its submissions, despite which neither documents were submitted nor oral submissions made.

12.26. There is, however, one aspect which requires consideration. The proceedings on the four dates show that the Club and its office bearers were not refusing to participate in the enquiry. Their consistent request was for time to submit their explanation on the ground that the relevant records and papers were not available with them. In an enquiry which concerns, among other things, the financial transactions of the Club, an explanation without access to the relevant accounts, records and supporting documents would have had little practical value. The request for time was therefore considered by the Enquiry Officer and the matter was adjourned on more than one occasion.

12.27. The record, however, also shows that the Club and its office bearers did not make use of the time granted to place their explanation on

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record. On each occasion, the question of custody of the records was raised and a further adjournment was sought. If the Club was ready to address the allegations, it could have placed before the Enquiry Officer whatever records were available with it and made its submissions on that basis. Instead, the proceedings continued to be postponed on the ground that the records were with some other person. No substantive reply dealing with the allegations was placed before the Enquiry Officer during this period.

12.28. This conduct is relevant when the present allegation of denial of oral hearing is considered. The Club was given repeated opportunities to appear before the Enquiry Officer. It sought time to enable it to obtain the records which, according to it, were necessary for giving its explanation, and those requests were granted. Having itself sought time on the ground that the records were not available, the Club cannot now, without explaining this earlier stand, contend that it was denied an oral hearing because the records were not available.

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12.29. There is also an apparent inconsistency in the stand now taken by the Petitioner. The contemporaneous record shows that time was sought on the ground that the relevant papers were with the Secretary, and later with a former office bearer. The present contention is that the documents were produced before the Enquiry Officer but were not received. These two versions cannot readily stand together. If the documents had already been tendered before the Enquiry Officer, there would have been no reason to repeatedly seek time on the ground that the documents were not available. Conversely, if the Club was seeking time because the records were not available, the present allegation that the same records had already been tendered and were refused requires specific proof.

12.30. Rule 8(4) certainly requires an oral hearing, and that requirement cannot be diluted. But the rule does not require the Enquiry Officer to adjourn the proceedings indefinitely when the society repeatedly seeks time without placing its explanation on record. The record in the present case shows that the Club was heard,

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that its requests for time were considered and that the adjournments sought by it were granted. The subsequent claim that the Club was denied an oral hearing, therefore, cannot be accepted merely because it chose to seek further time instead of addressing the allegations on the dates fixed for the enquiry.

12.31. The grievance that about 1,700 pages of documents were tendered but were not received by the Enquiry Officer would have to be considered in detail. The decision in ***BHEL Employees Welfare Association*** is relevant to this issue. In paragraph 7 of that decision, this Court found that the District Registrar had not considered the objections of the Petitioner and had not recorded any finding with regard to the documents filed by it. The Court also noticed the absence of satisfaction as to whether the evidence had been recorded in accordance with Rule 8(4). On that basis, the enquiry was quashed and the matter was remitted.

12.32. The principle of that decision is that material properly placed before the Enquiry Officer

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cannot simply be ignored. If documents or objections are received as part of the enquiry, the record should show that they have been considered.

12.33. The question in the present case is whether the material relied upon by the Petitioner was in fact tendered and received during the enquiry. For this purpose, the actual record has to be examined rather than the number of pages alone.

12.34. The sequence of events shows that on 04.02.2026 the Club sought time on the ground that the relevant papers were with the Secretary. It was thereafter stated that the documents were with Sri B.M. Ravishankar, a former office bearer. Sri B.M. Ravishankar, however, informed the Enquiry Officer that he had resigned earlier and did not have the Club's documents. On 04.03.2026, the Secretary stated that the President was handling the relevant transactions, while the Treasurer stated that his role was limited to signing cheques on the instructions of the President.

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12.35. Thus, the record shows different versions from the office bearers themselves as to the custody of the Club's records. This is different from a case where documents are admittedly tendered before the Enquiry Officer and are thereafter refused or ignored. The decision in **BHEL Employees Welfare Association** applies where material has been placed on record and there is no consideration of that material. It cannot be applied in the same manner where the very fact that the documents were tendered and refused is disputed.

12.36. It is also relevant that the Petitioner has not identified any particular document which was tendered on a particular date and refused by the Enquiry Officer. The Petitioner relies mainly on the figure of about 1,700 pages, stated to comprise the explanation and documents produced on 04.02.2026 and 04.03.2026.

12.37. The mere assertion that a large volume of documents was ready to be tendered is not sufficient to establish that the documents were actually produced before the Enquiry Officer and were refused. Whether a particular

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document was tendered and, if so, whether it was refused or was not produced, would require consideration of the competing versions of the parties. If necessary, such an issue may also require evidence.

12.38. This Court, exercising jurisdiction under Article 226 of the Constitution, is not required to determine disputed questions of fact which cannot be decided on the basis of the existing record. The Court is concerned with examining the legality of the decision on the material before it. It would not be appropriate, in these proceedings, to conduct a factual enquiry into whether each of the documents said to comprise the 1,700 pages was actually tendered and refused. More so, when they are not even placed before this Court.

12.39. The order sheet is also relevant in this regard. It bears the signature of the President of the Club on more than one occasion, and no objection is recorded regarding the manner in which the proceedings were conducted. A contemporaneous record of the proceedings carries considerable weight, particularly when it

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has been signed by the person representing the Club without recording any protest.

12.40. The Petitioner has now alleged that documents were refused and that the proceedings were conducted in an atmosphere of intimidation. Such allegations cannot, however, be accepted merely on assertion when the contemporaneous record does not support them and no specific instance of refusal has been identified.

12.41. The Petitioner has also contended that persons who were not office bearers or members were present during the proceedings and that the atmosphere was intimidating. It is submitted that this can be established from CCTV footage and photographs.

12.42. These are allegations of fact. The material said to support them has not been placed before this Court in a manner which would permit their examination. This Court cannot, in a writ proceeding, undertake a fresh examination of disputed factual allegations by weighing evidence. The allegations are therefore noticed,

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but no finding can be recorded on them in the absence of material sufficient to establish them.

12.43. It is necessary to make clear the scope of the finding on this issue. This Court finds that the record shows that the Club was given an oral hearing on four dates and that the requirement of Rule 8(4), in that regard, was substantially complied with. This Court also finds that the allegation that about 1,700 pages of documents were tendered and wrongly refused has not been established with sufficient particulars. To the extent that this allegation involves a disputed question of fact, it cannot be decided in the present writ proceedings.

12.44. As regards the six aspects placed by learned Senior Counsel for the Petitioner, this Court finds that:

12.44.1. the issuance of notice is not disputed.

12.44.2. The Club was given opportunities to submit its explanation and appeared before the Enquiry Officer on several dates.

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12.44.3. The order sheet also records the oral submissions made by its office bearers.

12.44.4. The specific allegation that documents were tendered and refused has not been established on the material placed before this Court.

12.44.5. As regards the findings recorded by the Enquiry Officer, the question whether the findings are supported by the material available in the enquiry will have to be considered while examining the report and the subsequent action based on it.

12.44.6. The sixth aspect raised by learned Senior Counsel, namely, whether the Registrar independently applied his mind after receiving the report of the Enquiry Officer, is a separate issue. It will therefore be considered while examining Point No.(ii).

12.45. For the above reasons, Point No.(i) is answered against the Petitioner. The Section 25 enquiry and the report dated 10.03.2026 are not shown to be vitiated for want of an oral hearing under

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Rule 8(4). The Club was given an opportunity of oral hearing on more than one occasion. The allegation that the documents relied upon by the Petitioner were tendered but wrongly refused has also not been established on the material before this Court.

13. **Answer to Point No. (ii): Whether, after receipt of the report of the authorised Enquiry Officer, the Registrar was required to independently apply his mind to the enquiry report and the material on record before acting upon or forwarding the same; and, where the Registrar recommended appointment of an Administrator and the Government thereafter issued a separate show-cause notice proposing such appointment and furnished the enquiry report to the Petitioner, whether the result of the enquiry was nevertheless required to be separately communicated to the Petitioner under Section 25(2)(c)(iii), or whether furnishing the enquiry report along with the Government's show-cause notice constituted sufficient compliance with the said provision?**

- 13.1. Sri. D.R. Ravi Shankar, learned Senior Counsel for the Petitioner, submitted that a person authorised by the Registrar under Section 25(1) is only a delegate and does not exercise the statutory power vested in the Registrar. Relying on the decision of this Court in ***Karnataka Roller Skating Association (R) Vs. State of***

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Karnataka, particularly paragraphs 4 and 6, he submitted that the Registrar cannot simply reproduce the charges and the findings recorded by the Enquiry Officer and proceed on that basis without independently considering the report.

13.2. He referred to paragraph 6 of the said decision, which considers the earlier decision of this Court in **Gousemohammad and another Vs. The District Registrar of Societies**. Learned Senior Counsel placed particular reliance on paragraphs 7.6, 7.7 and 7.8 of **Gousemohammad**. He submitted that **Gousemohammad** makes it clear that the person authorised to conduct the enquiry acts only as a delegate of the Registrar. The Registrar is required to independently consider the enquiry report and the material before him. He may accept the report or reject it and, if necessary, order a fresh enquiry. The Registrar, he submitted, cannot act merely as a "postman" by forwarding the enquiry report to the society without first applying his own mind to it.

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- 13.3. Learned Senior Counsel submitted that the enquiry report and the decision of the Registrar upon that report are two different stages. The enquiry report is the result of the fact-finding exercise conducted by the authorised person. The Registrar, on receiving that report, is required to consider it independently and take the decision which the statute requires him to take. According to him, the existence of an enquiry report by itself does not establish that the Registrar has independently applied his mind.
- 13.4. He submitted that, in the present case, although the record refers to an acceptance of the enquiry report, no reasons are recorded for such acceptance. His submission is that merely stating that the report is accepted, without indicating that the Registrar considered the report and the material independently, does not show application of mind.
- 13.5. Learned Senior Counsel also relied upon Section 25(2)(c)(iii), which provides that, when an enquiry is made under Section 25, the Registrar "shall communicate the result of the

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enquiry to the society concerned". He submitted that the use of the word "shall" makes communication of the result a mandatory requirement.

13.6. According to him, this requirement is separate from the opportunity given to the society during the enquiry. The opportunity to participate in the enquiry enables the society to place its explanation and material before the Enquiry Officer. Communication of the result serves a different purpose: it informs the society of the outcome of the statutory process. The two safeguards, therefore, cannot be treated as interchangeable.

13.7. His submission was that the Club was entitled to know what conclusion had ultimately been reached on the material placed before the Enquiry Officer. Unless the result of the enquiry was communicated to it, the Club would not know whether its explanation and material had been considered and accepted, rejected or otherwise dealt with.

13.8. Lastly, he submits that on communication, the Club ought to have been given an opportunity

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to make its submission on the enquiry report, before acceptance by the Registrar.

13.9. Learned Senior Counsel therefore submitted that failure to comply with Section 25(2)(c)(iii), coupled with the absence of any recorded independent consideration by the Registrar, vitiates the further action founded upon the enquiry report.

13.10. Smt. Prathima Honnapura, learned Additional Advocate General, submitted that the Petitioner is proceeding on the assumption that the Registrar was required to pass a separate and elaborate order accepting the report of the Enquiry Officer. She did not dispute that no such separately reasoned order of acceptance has been placed before this Court. Her submission, however, was that the report was not treated as the final decision. It was placed before Respondent No.1 through Respondent Nos.2 and 3 for consideration by the State Government.

13.11. She submitted that it was Respondent No.1, the State Government, which thereafter took the matter forward. The State Government issued a

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show-cause notice dated 09.04.2026 referring to the irregularities and findings recorded in the enquiry report and called upon the Petitioner-Club to explain why further action should not be taken. According to her, the Club was thus made aware of the substance of the findings before the final decision was taken. She pointed out that the Club did, in fact, submit its explanation dated 18.04.2026 in response to the notice and dealt with the allegations made against it.

13.12. Learned Additional Advocate General submitted that the decisions in ***Karnataka Roller Skating Association*** and ***Gousemohammad*** do not assist the Petitioner in the facts of the present case. According to her, those decisions dealt with cases where the report of the Enquiry Officer was treated as final and acted upon without any further consideration by the competent authority.

13.13. She submitted that the present case stands on a different footing. The enquiry report was followed by its consideration at the level of the concerned authorities and, more importantly,

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by an independent show-cause notice issued by the State Government. The State Government thereafter considered the Club's explanation before passing the impugned order. Her submission, therefore, was that the process cannot be said to have ended with the report of the Enquiry Officer and that the Petitioner cannot contend that the State Government mechanically acted upon that report without giving the Club an opportunity to respond.

13.14. The Petitioner raises two objections. First, it is contended that the Registrar did not independently consider the report of the Enquiry Officer. Secondly, it is contended that, after receiving the enquiry report, the Registrar was required to give the Petitioner another opportunity of hearing before recommending appointment of an Administrator to the State Government.

13.15. The first objection is not supported by the record. The material shows that the report of the Enquiry Officer was placed before the Registrar, that the proposal for appointment of an Administrator was considered by him and

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that he thereafter made a recommendation to the State Government. The Registrar therefore did not merely forward the report without consideration.

13.16. This is also consistent with the principle laid down in **Karnataka Roller Skating Association v. State of Karnataka**, namely, that the Registrar must apply his own mind to the report of the authorised Enquiry Officer. The Registrar cannot mechanically adopt the findings of the Enquiry Officer. In the present case, however, the record shows consideration by the Registrar before the recommendation was made.

13.17. The second objection requires the scheme of Sections 25 and 27A to be considered in sequence.

13.18. Section 25 provides for an enquiry into the constitution, working and financial condition of a registered society. The enquiry may be conducted by the Registrar himself or by a person authorised by him. Rule 8 prescribes the procedure to be followed in such enquiry. The society is given notice, an opportunity to

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furnish its explanation and an opportunity of hearing. The Enquiry Officer thereafter records his findings and submits his report.

13.19. The important point is that a Section 25 enquiry does not necessarily lead to appointment of an Administrator. The enquiry may find that the allegations are not established. It may disclose only minor irregularities requiring correction. It may disclose misapplication of funds, misfeasance or breach of trust, in which case proceedings under Section 26 may become relevant. In an appropriate case, the findings may be such that appointment of an Administrator requires consideration under Section 27A.

13.20. Thus, appointment of an Administrator is only one possible consequence of a Section 25 enquiry. The Section 25 enquiry is not itself a proceeding for appointment of an Administrator. Its purpose is to ascertain the constitution, working and financial condition of the society and to place the findings before the Registrar.

13.21. After the enquiry report is received, the Registrar has to consider it. If the material does

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not call for further action, the matter may end there. If it discloses matters attracting another statutory provision, appropriate proceedings may follow. If, however, the Registrar considers that the circumstances warrant appointment of an Administrator, he may recommend such action to the State Government.

13.22. This is the point at which Section 27A becomes relevant. The Registrar's recommendation does not itself appoint an Administrator. The power to appoint an Administrator is vested in the State Government. The Government has to consider whether appointment is necessary in the public interest. It may accept the recommendation or, after considering the material and the explanation of the society, decide that an Administrator need not be appointed.

13.23. Therefore, the Registrar's recommendation and the Government's decision are not the same thing. The Registrar forms a view, on consideration of the enquiry material, that the matter requires consideration under Section 27A. The Government thereafter has to make

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its own decision whether the statutory power should be exercised.

13.24. This explains the purpose of the show-cause notice issued by the State Government. The notice is not issued because the appointment of an Administrator has already been decided. It is issued precisely because the Government has to decide whether such appointment should be made. The society is therefore called upon to show cause against the proposed action.

13.25. In the present case, after the Registrar made his recommendation, the State Government issued the show-cause notice dated 09.04.2026. The enquiry report was furnished to the Petitioner and the Petitioner was called upon to explain why action should not be taken under Section 27A. The Petitioner submitted its explanation dated 18.04.2026.

13.26. The Petitioner was thus given the enquiry report and an opportunity to answer the material on which the proposed action under Section 27A was based. This opportunity was before the authority which had the statutory power to appoint an Administrator.

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13.27. The question, therefore, is whether, in addition to the hearing which the society had during the Section 25 enquiry and the opportunity subsequently given by the State Government under Section 27A, the Registrar was required to conduct another hearing on the same enquiry report before making his recommendation.

13.28. Section 25(2)(c)(iii) provides that the Registrar shall communicate the result of the enquiry to the society. This requirement has to be given effect to. The question, however, is what is the purpose of such communication and what consequence follows where the report is not separately furnished by the Registrar before making his recommendation, but is subsequently furnished by the State Government along with the notice issued under Section 27A.

13.29. The purpose of communicating the result of the enquiry is to ensure that the society is made aware of the findings on the basis of which further action may be proposed and is given an opportunity to meet those findings before the

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competent authority takes the final decision. If that is the object of the requirement, there is no denial of that opportunity in the present case. The State Government furnished the enquiry report to the Petitioner along with the show-cause notice under Section 27A and called upon it to explain why an Administrator should not be appointed.

13.30. The Petitioner thus knew, before the Government took the final decision, the findings recorded in the enquiry and the material on which the Registrar's recommendation was based. It was given an opportunity to answer the same and, in fact, submitted its explanation. The report was therefore not acted upon behind the back of the Petitioner.

13.31. In this context, the question cannot be decided merely by asking whether the report was furnished by the Registrar before he made his recommendation. The more material question is whether the Petitioner was denied an effective opportunity to know the findings and meet the material before the power under Section 27A was exercised. Where the report is furnished

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along with the Section 27A notice and the society is given an opportunity to respond before the Government takes the final decision, the purpose of disclosure is substantially achieved.

13.32. The facts of the present case bear this out. After the Registrar made his recommendation, the State Government issued the show-cause notice dated 09.04.2026 and furnished the enquiry report to the Petitioner. The Petitioner was thereby made aware of the findings on which the proposed action was based. It was given an opportunity to submit its explanation and submitted its response dated 18.04.2026.

13.33. The position would have been different if the Government had proceeded under Section 27A without furnishing the enquiry report, relied upon the report without disclosing its contents to the society and thereafter taken a decision without giving the society an opportunity to meet the material. In such a case, the purpose of communicating the report would plainly have been defeated. That is not the position here.

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13.34. The Petitioner's contention therefore involves two separate questions. The first is whether the result of the enquiry was required to be communicated. The answer to that question is plainly in the affirmative by reason of Section 25(2)(c)(iii).

13.35. The second is whether the fact that the Registrar did not separately communicate the report before making his recommendation necessarily invalidates the subsequent proceedings under Section 27A. That does not follow merely from the first proposition.

13.36. The second question has to be considered in the light of the purpose of the requirement and the opportunity actually available to the Petitioner. In the present case, the report was furnished at the commencement of the Section 27A proceedings. The Petitioner was called upon to show cause against the proposed appointment and was given an opportunity to place its case before the authority competent to take the final decision. It cannot therefore be said that the Petitioner was denied an

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opportunity to know or answer the findings of the enquiry.

13.37. The fact that the report was furnished by the State Government rather than by the Registrar cannot, by itself, establish prejudice. What is material is that the report was disclosed to the Petitioner before the Government exercised its power under Section 27A and that the Petitioner was given an opportunity to respond to it.

13.38. This also answers the Petitioner's contention that the Registrar was required to give another hearing before making his recommendation. Communication of the result of the enquiry is not the same thing as a second adjudicatory hearing before the Registrar. Section 25(2)(c)(iii) requires the result to be communicated; it does not expressly require the Registrar, after completion of the enquiry, to commence another round of proceedings in which the society is heard afresh on the report before a recommendation can be made under Section 27A.

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13.39. The distinction is important because the Registrar does not decide whether an Administrator is to be appointed. He considers the enquiry report and, where the circumstances so warrant, recommends that the matter be considered by the State Government. The final decision under Section 27A rests with the Government.

13.40. The Government, in turn, is not bound by the Registrar's recommendation. It must consider the material for itself and decide whether appointment of an Administrator is necessary in the public interest. The show-cause notice issued under Section 27A is therefore not a notice preceding an inevitable appointment. It is the opportunity given to the society to persuade the Government that an Administrator should not be appointed.

13.41. If, therefore, the Petitioner's case is that the report had to be furnished before the Government proceeded to consider appointment of an Administrator, that purpose was achieved when the Government furnished the report along with the Section 27A show-

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cause notice. The Petitioner was then in possession of the very material on which the Registrar's recommendation was based and had an opportunity to answer it before the Government took the final decision.

13.42. Requiring a further hearing before the Registrar would serve no separate purpose in such circumstances. The Registrar would hear the society on the enquiry report, consider its objections and make his recommendation. The Government would thereafter have to furnish the same report and hear the society again before deciding whether an Administrator should be appointed. This would create two successive hearings on substantially the same material, although the final power is vested only in the State Government.

13.43. The statutory scheme does not warrant such duplication. The Section 25 enquiry is a fact-finding exercise concerning the constitution, working and financial condition of the society. The Registrar considers the result of that enquiry and, where appropriate, recommends further action. Section 27A then requires the

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State Government to decide whether appointment of an Administrator is necessary in the public interest.

13.44. The fact that the Registrar recommends consideration of appointment of an Administrator does not alter this position. A Section 25 enquiry may end without any adverse action. It may result in minor corrective measures. It may disclose matters attracting Section 26. It is only in an appropriate case that the Registrar may consider that the circumstances warrant a recommendation under Section 27A. Even then, the recommendation does not itself result in appointment.

13.45. This is also why the exigency under Section 27A has to be properly understood. The exigency does not arise because an Administrator must necessarily be appointed. The Government may, after considering the society's explanation, decide that appointment is not warranted. The exigency arises because, once the Registrar has recommended that the question of appointment requires consideration,

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the Government must consider that question without avoidable delay.

13.46. Such prompt consideration may be necessary where the circumstances disclosed in the enquiry concern the functioning, administration or financial affairs of the society. Those circumstances may continue or worsen while the matter remains pending. The need for prompt consideration is therefore part of the practical operation of Section 27A.

13.47. This does not mean that urgency permits the Government to dispense with notice or hearing. It does not. The society must be informed of the material relied upon and must be given a meaningful opportunity to respond. That is precisely what was done here when the enquiry report was furnished with the show-cause notice and the Petitioner's explanation was obtained.

13.48. The statutory scheme therefore does not require a choice between urgency and natural justice. Both are preserved by requiring the Government to furnish the report, issue notice and hear the society before taking the final

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decision. What is unnecessary is to introduce an additional hearing before the Registrar which would precede the Government's consideration and substantially duplicate the opportunity which the society is thereafter given before the competent authority.

13.49. The present case is consequently different from a case in which the society is never supplied with the enquiry report or is required to face an order under Section 27A without knowing the material against it. Here, the Petitioner received the report, knew the findings on which the proposed action was based, submitted its explanation and was heard before the authority competent to make the final decision.

13.50. The conclusion, therefore, is a limited one. Section 25(2)(c)(iii) requires the result of the enquiry to be communicated to the society. But that requirement cannot, without more, be converted into a requirement of a second hearing before the Registrar. Where the report is furnished by the State Government along with the Section 27A notice and the society is given an opportunity to respond before the

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Government takes the final decision, the object of ensuring disclosure of the report and an opportunity to meet its findings has been achieved.

13.51. This Court answers Point No. (ii) by holding that the Registrar independently considered the enquiry report before making his recommendation. A Section 25 enquiry does not invariably lead to appointment of an Administrator; it may result in no further action, corrective measures or proceedings under Section 26. Only in an appropriate case does the matter proceed to consideration under Section 27A. The Registrar's recommendation does not itself appoint an Administrator. The State Government must independently decide whether such appointment is necessary in the public interest. In the present case, the Government furnished the enquiry report along with the show-cause notice under Section 27A and gave the Petitioner an opportunity to submit its explanation before taking the final decision.

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13.52. If the purpose of communicating the report is to ensure that the society knows the findings and is able to meet them before the Government decides whether an Administrator should be appointed, that purpose was achieved in the present case. The fact that the report was furnished by the Government at the Section 27A stage, rather than separately by the Registrar before making his recommendation, does not, by itself, establish prejudice or require a second hearing before the Registrar.

13.53. Requiring an additional hearing would result in duplication and could delay the Government's consideration of whether intervention was necessary. The exigency under Section 27A is therefore not an urgency to appoint an Administrator without hearing the society; it is the need to decide promptly, after hearing the society, whether appointment of an Administrator is necessary in the public interest.

14. **Answer to Point No. (iii): Under which clause of Section 27-A(1), Clauses (a), (b) or (c), was the State Government's power exercised, and**

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what are the statutory requirements applicable to such exercise?

- 14.1. Sri. D.R. Ravi Shankar, learned Senior Counsel for the Petitioner, took the Court through Section 27-A(1) of the Act. He submitted that the provision deals with three separate situations in which the State Government may appoint an Administrator.
- 14.2. According to him, Clause (a) applies where the society has not held, or is unable to hold, its annual general meeting because of pending litigation or otherwise. Clause (b) applies where the term of the governing body has expired and a new governing body has not been constituted. Clause (c) applies where, on a report of the Registrar or otherwise, and on enquiry, the State Government considers it necessary in the public interest to appoint an Administrator.
- 14.3. His broader submission, which will be considered under Point No.(iv), was that an enquiry and an independent satisfaction of the State Government are required under all three clauses. For the present Point, however, his

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submission was that the facts of the present case bring it within Clause (c).

14.4. Learned Senior Counsel submitted that there is no case that the Club failed to hold its annual general meeting. He pointed out that an annual general meeting was in fact held on 01.02.2026, though the Petitioner contends that the meeting was disrupted. He also submitted that there is no case that the term of the Executive Committee had expired.

14.5. According to him, the sequence of events itself shows the provision under which the State Government proceeded. There was a complaint, followed by an enquiry under Section 25, an enquiry report and a recommendation for appointment of an Administrator based on the findings in that report. His submission was that this is a case falling within Section 27-A(1)(c).

14.6. Smt. Prathima Honnapura, learned Additional Advocate General, did not dispute that the proceedings commenced with complaints, followed by an enquiry under Section 25 and submission of an enquiry report recommending appointment of an Administrator.

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- 14.7. Her submission was that the State Government had before it the Section 25 enquiry report, considered the material contained in the report, issued a show-cause notice to the Petitioner referring to the irregularities found during the enquiry and thereafter passed the impugned order.
- 14.8. She did not contend that the appointment was made because the Club had failed to hold an annual general meeting. She also did not contend that the term of the governing body had expired. Thus, on this aspect, the submission of the State proceeds on the same basis as that of the Petitioner, namely, that the action was taken with reference to the circumstances contemplated under Section 27-A(1)(c).
- 14.9. Sri. K.M. Prakash, learned counsel appearing as intervener, relied upon the decision of this Court in ***K. Shivanna and Others Vs. State of Karnataka by its Secretary***, particularly paragraphs 12.2 to 12.5 and 13.1.
- 14.10. His submission was that the requirement of an enquiry and satisfaction as to public interest,

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arising from the words "on enquiry" in Section 27-A(1), is applicable to Clause (c). According to him, the same requirement does not apply to Clause (b), where the term of the governing body has expired and a new governing body has not been constituted.

14.11. Learned counsel submitted that the first question, therefore, is to identify the clause under which the impugned order was made, since the statutory requirements differ depending upon the clause invoked. His submission on this aspect was, however, confined to the legal position. He did not place any material before the Court to show that the term of the Club's governing body had expired or that the Club had failed to hold its annual general meeting.

14.12. Thus, on the material and submissions placed before this Court, neither the Petitioner nor the State Government has placed the impugned action on Clause (a) on the ground that the Club had failed to hold its annual general meeting, or on Clause (b) on the ground that the term of its governing body had expired.

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14.13. The proceedings were initiated following complaints, an enquiry under Section 25 was conducted, an enquiry report was submitted and the State Government thereafter proceeded to consider appointment of an Administrator. The case of both the Petitioner and the State Government, on this limited question, therefore, proceeds on the basis that the power exercised is referable to Section 27-A(1)(c).

14.14. The question as to what follows from the invocation of Clause (c), including the requirement of enquiry, the opportunity to the society and the independent satisfaction to be recorded by the State Government, is considered under Point No.(iv).

14.15. Section 27-A(1) of the Act, in the portion material to this Point, reads as follows:

"27A. Appointment of Administrator.- Notwithstanding anything in this Act,-

(1)(a) where any society on account of the pendency of litigation or otherwise has not held or is unable to hold the annual general meeting; or

(b) where the term of office of the members of the governing body of a society has expired and a new governing body has not for any reason been constituted; or

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(c) where on a report made by the Registrar or otherwise, on enquiry, the State Government considers it necessary in public interest so to do, the State Government may, by order published in the official Gazette, appoint an Administrator for such society for such period, not exceeding six months, as may be specified in the order, to manage the affairs of the society."

14.16. Section 27-A(1) provides three distinct situations in which the State Government may appoint an Administrator. Clause (a) applies where the society has not held, or is unable to hold, its annual general meeting. Clause (b) applies where the term of the governing body has expired and a new governing body has not been constituted. Clause (c) applies where, on a report made by the Registrar or otherwise, and on enquiry, the State Government considers it necessary in the public interest to appoint an Administrator.

14.17. The facts of the present case make it clear that the impugned order does not proceed on Clause (a) or Clause (b). The Club did hold an annual general meeting on 01.02.2026. The dispute as to that meeting concerns the manner in which it was conducted and not the failure to hold it. There is also no case that the term of the

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elected Executive Committee had expired and that a new governing body had not been constituted.

14.18. On the other hand, the proceedings commenced with complaints regarding the affairs of the Club, followed by an enquiry under Section 25 of the Act. The Enquiry Officer submitted a report dated 10.03.2026 recommending the appointment of an Administrator. The matter thereafter proceeded through proposals and a show-cause notice issued by the State Government, culminating in the impugned order dated 14.05.2026.

14.19. The State Government has also not contended that the impugned order was passed because the Club had failed to hold its annual general meeting or because the term of its governing body had expired. Its case, as placed before this Court, is founded on the findings recorded in the Section 25 enquiry and the material placed before the Government thereafter. The proceedings therefore fall within Clause (c) of Section 27-A(1).

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14.20. The use of the expression "or otherwise" in Clause (c) makes it clear that the State Government may act on a report of the Registrar or on other material. That, however, does not dispense with the remaining requirements of Clause (c). Where that clause is invoked, the State Government must act on enquiry and must consider whether appointment of an Administrator is necessary in the public interest.

14.21. This distinction is important because appointment of an Administrator has a direct effect on the elected governing body. Under Section 27-A(3), once an Administrator is appointed, the governing body ceases to exercise its powers and functions during the period of such appointment. The Administrator is also required to take steps for convening the general body and holding elections. The power is therefore not a routine administrative measure.

14.22. The decision in ***K. Shivanna*** relied upon by Sri K.M. Prakash has to be considered in this statutory context. That decision dealt with

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Clause (b), where the term of the governing body had expired and no new governing body had been constituted. The Court held that the enquiry and public-interest requirement contained in Clause (c) could not be imported into a case falling under Clause (b). The present case, however, is not a Clause (b) case.

14.23. On the material before this Court, the foundation of the impugned order is the Section 25 enquiry and the report arising therefrom. There is no factual basis to treat the case as one falling under Clause (a) or Clause (b). The impugned order is therefore referable to Clause (c) of Section 27-A(1).

14.24. This Court answers point No. (iii) by holding that the power exercised by the State Government in the present case was under Section 27-A(1)(c). The requirements governing exercise of that power, including the scope of the enquiry, the consideration to be undertaken by the State Government and the requirement of satisfaction in public interest, are considered under Point No. (iv).

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15. **Answer to Point No. (iv):** Whether, as contended by the Petitioner, an enquiry and independent satisfaction by the State Government are required in all three contingencies under Section 27-A(1), or whether the requirement of enquiry and public-interest satisfaction is confined to Clause (c), having regard, inter alia, to the decision in **K. Shivanna?**

15.1. Shri D.R Ravi Shankar, Learned Senior Counsel for the Petitioner, submitted that the words "on enquiry" in Section 27-A(1) should not be confined to Clause (c). According to him, the provision has to be read as a whole, having regard to the opening words of sub-Section (1) and the nature of the power conferred on the State Government.

15.2. His submission was that Clauses (a), (b) and (c) prescribe different factual situations in which an Administrator may be appointed, but the State Government must, in every case, first ascertain whether the conditions prescribed in the relevant clause are in fact satisfied. Thus, even in a case under Clause (a) or (b), the State Government must verify whether the term of the governing body has expired and

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whether a new governing body has not been constituted.

15.3. Learned Senior Counsel therefore submitted that, irrespective of the clause invoked, the State Government must examine the relevant facts, afford an opportunity to the society and arrive at an independent satisfaction before appointing an Administrator.

15.4. Smt. Prathima Honnapura, learned Additional Advocate General, did not advance a separate submission on this question. Her case is that the present proceedings fall under Clause (c), and that the requirements of enquiry and independent satisfaction applicable to that clause were complied with. Her submissions on that aspect are considered under Point No. (v) and need not be repeated here.

15.5. Sri K.M. Prakash, learned counsel appearing as intervener, relied upon the decision of this Court in ***K. Shivanna and Others v. State of Karnataka by its Secretary***, particularly paragraphs 12.2 to 12.5 and 13.1. He submitted that the decision makes a distinction between Clauses (b) and (c) of Section 27-

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A(1). According to him, the expression "on enquiry" and the requirement that the State Government be satisfied that appointment of an Administrator is necessary in the public interest are requirements of Clause (c).

15.6. He submitted that, in a case falling under Clause (b), the relevant facts are whether the term of the governing body has expired and whether a new governing body has not been constituted. Once those facts are established, the additional requirements applicable to Clause (c) cannot be imported into Clause (b). He therefore submitted that the enquiry and hearing contemplated in relation to Clause (c) cannot be treated as conditions precedent for an appointment under Clause (b).

15.7. The submission of the Petitioner that an enquiry is required in all three contingencies cannot be accepted. The question has already been considered in ***K. Shivanna***, where the scope of Section 27-A(1) was examined with reference to the language of Clauses (a), (b) and (c).

15.8. The scheme of Section 27-A(1) makes a clear distinction between the three clauses. Clause

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(a) operates where the annual general meeting has not been held or cannot be held. Clause (b) operates where the term of the governing body has expired and a new governing body has not been constituted. Clause (c), on the other hand, deals with a different situation. It requires the State Government, on an enquiry, to consider that appointment of an Administrator is necessary in the public interest.

15.9. The words "on enquiry" occur specifically in Clause (c), in the context of the State Government considering whether appointment of an Administrator is necessary in the public interest. They do not occur in Clauses (a) or (b). The distinction is deliberate. Clauses (a) and (b) are founded on specific factual circumstances. Clause (c) involves an assessment by the State Government as to whether, having regard to the material before it, intervention is necessary in the public interest.

15.10. This was the distinction recognised in ***K. Shivanna***. The decision holds that the enquiry

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contemplated by Section 27-A(1) is "integral and restricted to Clause (c)". In a case under Clause (b), where the term of the governing body has expired and a new governing body has not been constituted, there is no requirement to undertake the enquiry contemplated by Clause (c) before appointing an Administrator.

15.11. The Petitioner's submission that the State Government must nevertheless conduct an enquiry in every case cannot, therefore, be accepted. Doing so would add to Clauses (a) and (b) a requirement which the Legislature has expressly incorporated only for Clause (c).

15.12. This does not mean that the State Government can act without ascertaining the facts necessary to invoke Clause (a) or Clause (b). The statutory condition contained in the relevant clause must necessarily exist. Thus, in a case under Clause (b), the State Government must be satisfied that the term of the governing body has expired and that a new governing body has not been constituted. What is not required is the separate enquiry contemplated by Clause

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(c), including an enquiry into whether appointment of an Administrator is necessary in the public interest.

15.13. The distinction is important in the present case. As already held under Point No. (iii), the impugned action is referable to Clause (c). The question, therefore, is not whether an enquiry was necessary. In a Clause (c) case, that requirement is part of the statute. The question is whether the State Government in fact undertook the requisite enquiry, considered the material independently and arrived at the necessary satisfaction in public interest.

15.14. The decision in ***Rajya Vokkaligara*** relied upon by Sri K.M. Prakash, does not require a different conclusion on this question. That decision concerned an appointment under Clause (a) and did not decide the question now under consideration as to whether the enquiry contemplated by Clause (c) extends to Clauses (a) and (b).

15.15. This Court answers Point No. (iv) by holding that the requirement of "on enquiry" and the consequent satisfaction of the State

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Government that appointment of an Administrator is necessary in the public interest are requirements of Clause (c) and are not conditions applicable uniformly to Clauses (a), (b) and (c). The State Government must, of course, ascertain that the factual conditions of the particular clause invoked are satisfied. Since the present case falls under Clause (c), the requirement of enquiry and independent satisfaction applies to the impugned action. Whether that requirement was actually complied with is considered under Point No. (v).

16. **Answer to Point No. (v): If the appointment is referable to Clause (c), whether the State Government, after receipt of the Registrar's/Enquiry Officer's report, independently considered the material, afforded the Petitioner an effective opportunity, considered its response and arrived at the requisite satisfaction that appointment of an Administrator was necessary in public interest?**

16.1. Shri D R Ravi Shankar, Learned Senior Counsel for the Petitioner submitted that the report of the Registrar or the Enquiry Officer is only material placed before the State Government and does not conclude the exercise required

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under Section 27-A(1)(c). He relied upon paragraph 6 of the decision in ***Bharata Ratna Mokshgundam Viswaswaraiah Education Society***, where this Court held that even if an opportunity had been given to the society before the Registrar submitted his report, the State Government was still required to afford an opportunity to the society and satisfy itself, on enquiry, that appointment of an Administrator was necessary in the public interest.

16.2. Learned Senior Counsel also relied upon ***K.N. Rudrappa***, particularly paragraphs 10 to 12. He submitted that the opportunity afforded during the Section 25 enquiry cannot substitute the opportunity required to be afforded by the State Government before exercising the power under Section 27-A(1)(c).

16.3. On the facts of the present case, he submitted that the show-cause notice dated 09.04.2026, by itself, does not establish compliance with Section 27-A(1)(c). According to him, the State Government was required to consider the Petitioner's response and the material placed by

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it and thereafter arrive at its own satisfaction as to the necessity of appointing an Administrator.

16.4. Learned Senior Counsel further submitted that there is no material to demonstrate such independent consideration or satisfaction. He contended that the impugned order proceeds substantially on the findings in the enquiry report, which are themselves disputed by the Petitioner. He submitted that the appointment of an Administrator, resulting in displacement of an elected Executive Committee, could not have been made without the State Government independently examining the allegations and the material relied upon against the Petitioner.

16.5. Smt. Prathima Honnapura, learned Additional Advocate General, submitted that the decisions relied upon by the Petitioner are distinguishable. According to her, the State Government in the present case did not proceed directly from the Registrar's report to the appointment of an Administrator. After considering the material placed before it, the State Government issued a separate show-

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cause notice dated 09.04.2026 calling upon the Petitioner to explain why an Administrator should not be appointed having regard to the findings recorded in the enquiry report.

16.6. Learned Additional Advocate General submitted that the Petitioner did not submit any reply to the said notice. There is also no material to show that the Petitioner sought further time, requested a personal hearing or sought permission to place additional documents in response to the notice. She therefore submitted that a reasonable opportunity having been given, the State Government was entitled to proceed on the material available before it.

16.7. As regards independent satisfaction, she submitted that the impugned order contains reasons relating to the manner in which the annual general meeting for the year 2024-25 was conducted, the non-obtaining of approval of the audited financial statements for 2025-26, and the failure of the Petitioner to address the charges framed against it. According to her, these reasons show that the State Government considered the material before passing the

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order and did not mechanically adopt the Enquiry Officer's recommendation.

16.8. Learned Additional Advocate General submitted that ***Bharata Ratna Mokshgundam Viswaswaraiah Education Society*** only emphasises the independent role of the State Government after receipt of the Registrar's report. According to her, that requirement was satisfied in the present case since the State Government itself issued the show-cause notice before passing the impugned order.

16.9. She further submitted that the expression "public interest" in Section 27-A(1)(c) is not confined to the interest of the public at large. In her submission, proper administration of a registered society, protection of its funds and safeguarding the interests of its members are also matters of public interest, particularly where the enquiry disclosed allegations of collection of membership subscriptions in cash without corresponding entries or receipts and absence of proper records regarding utilisation of amounts collected for construction purposes.

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16.10. It is now necessary to examine whether the requirements of Clause (c) of Section 27-A(1) were complied with in the present case. The State Government was required to consider the material before it, afford the Petitioner an opportunity to meet the proposed action and thereafter arrive at its own satisfaction that appointment of an Administrator was necessary in the public interest.

16.11. The decision in ***Bharata Ratna Mokshgundam Viswaswaraiah Education Society***, particularly paragraph 6, makes the position clear. The Registrar has no power to appoint an Administrator. He may only submit a report to the State Government. Even where the society has been given an opportunity before the Registrar, the State Government is required, on receipt of the report, to afford an opportunity to the society and satisfy itself, on enquiry, that appointment of an Administrator is necessary in the public interest. The opportunity given by the Registrar does not take the place of the opportunity to be given by the State Government.

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16.12. The same principle was applied in ***K.N. Rudrappa***. In that case, although the Enquiry Officer had issued notice and the society had participated in the proceedings, there was no material to show that the State Government had itself issued notice before appointing the Administrator. This Court held that the Government was required to notify the society and provide an opportunity before exercising the power under Section 27-A.

16.13. These decisions therefore require two distinct stages to be kept in view. The enquiry before the Registrar or the Enquiry Officer does not conclude the exercise under Section 27-A(1)(c). After receiving the report, the State Government must itself consider the proposed action, give the society an opportunity to respond and take that response into account before deciding whether appointment of an Administrator is necessary in the public interest.

16.14. On the present facts, however, the position is different from that in ***Bharata Ratna Mokshgundam Viswaswaraiah Education***

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Society and, in particular, ***K.N. Rudrappa***. In those cases, the defect was the absence of any notice or opportunity from the State Government before the Administrator was appointed. Here, Respondent No.1 - State Government issued a separate show-cause notice dated 09.04.2026. The notice referred to the irregularities and findings in the enquiry report and called upon the Petitioner to show cause why an Administrator should not be appointed.

16.15. The Petitioner does not dispute the issuance of the notice dated 09.04.2026. The Petitioner availed itself of the opportunity by submitting its explanation dated 18.04.2026. The question is therefore whether the response so submitted was duly considered before the impugned order was passed.

16.16. An opportunity of hearing does not mean that the authority must keep the proceedings open indefinitely. The Petitioner, having availed itself of the opportunity and submitted its explanation dated 18.04.2026, the question is whether such explanation was considered by

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the State Government before passing the impugned order. There is also no contention that the period granted under the notice dated 09.04.2026 was insufficient. The objection is essentially that issuance of the notice alone did not satisfy the requirement of Section 27-A(1)(c). That contention has to be considered separately from the question whether the State Government thereafter applied its mind to the material.

16.17. On that aspect, the impugned order dated 14.05.2026 has to be examined. The omission identified at the Registrar's stage under Point No. (ii), namely the absence of material demonstrating communication of the result of the enquiry to the Petitioner-Club, does not by itself establish that the State Government failed to apply its own mind. The statutory satisfaction under Clause (c) is that of the State Government, and it is therefore the order of Respondent No.1 which must be examined for this purpose.

16.18. The impugned order records, among other things, that the annual general meeting for

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2024-25 was not conducted in accordance with law, that approval of the audited financial statements for 2025-26 had not been obtained, and that the Petitioner had failed to address or rebut the charges framed against it. These are matters which the State Government has referred to in support of its decision. The order therefore cannot be said to be a mere reproduction of the Enquiry Officer's report. It records consideration of the material before Respondent No.1 and the explanation submitted by the Petitioner in response to the proposed action.

16.19. Learned Senior Counsel submitted that the material relied upon was neither cogent nor unimpeachable and that the enquiry report itself was under challenge. That submission cannot, at this stage, be examined as though this Court were sitting in appeal over the merits of the decision. The scope of judicial review under Article 226 is to examine whether the decision is supported by relevant material, whether the authority has applied its mind and whether the decision is vitiated by perversity, illegality or other recognised grounds of judicial

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review. This Court is not required to substitute its own view merely because another view may also be possible.

16.20. Tested on that basis, the material placed before this Court does not establish that Respondent No.1 acted mechanically on the enquiry report. The State Government issued its own notice, the Petitioner was given an opportunity to respond, and the impugned order records reasons in support of the decision. The requirement of an independent consideration by the State Government is therefore satisfied.

16.21. Learned Senior Counsel also submitted that the Petitioner is a private members' club and that the funds involved are contributed by its members. Therefore, according to him, the matter could not be treated as one involving public interest under Clause (c). This submission also cannot be accepted. The expression "public interest" in Section 27-A(1)(c) cannot be restricted to cases involving government funds or funds belonging to the public at large. The proper administration of a registered society and the protection of the

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funds and interests of its members are matters which may, depending on the facts, constitute public interest for the purpose of the provision.

16.22. The material relied upon by the State Government includes the alleged collection of membership subscriptions in cash without corresponding entries or receipts and the alleged absence of proper records regarding the utilisation of amounts collected for construction. These allegations concern the administration and financial management of the registered society and were matters which the State Government was entitled to take into consideration while examining whether intervention was necessary. This is not a matter where *inter se* membership rights are in issue or where the allegations relate to violation of individual members' rights and obligations.

16.23. The fact that the Executive Committee was elected also does not, by itself, prevent the exercise of power under Section 27-A. The statutory power can operate against an elected governing body when the requirements of the provision are satisfied. The elected character of

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the Committee is, however, a circumstance which underscores the need for the statutory requirements to be strictly complied with before such a body is displaced.

16.24. For the above reasons, this Court holds that the requirement under Section 27-A(1)(c) that the State Government itself consider the matter, afford the Petitioner an opportunity and arrive at the requisite satisfaction was complied with. The defect found at the Registrar's stage under Point No.(ii) does not, on the material available, establish a corresponding failure on the part of the State Government under Section 27-A(1)(c).

16.25. This Court answers Point No. (v) in favour of the Respondents, by holding that the appointment is referable to Clause (c) and that the State Government, after receipt of the Registrar's/Enquiry Officer's report, has independently considered the material, afforded the Petitioner an effective opportunity, considered its response and arrived at the requisite satisfaction that appointment of an Administrator was necessary in public interest.

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17. **Answer to Point No. (vi): Whether the order dated 14.05.2026 appointing the Administrator is otherwise sustainable in law, and consequently whether the Petitioner is entitled to the reliefs sought?**

17.1. Sri D R Ravishankar, Learned Senior Counsel for the Petitioner, raised two further objections to the order dated 14.05.2026. First, he submitted that the order had not been published in the official Gazette when the writ petition was argued. According to him, publication under Section 27-A(1) is a statutory requirement and not a mere formality. Until such publication, the Administrator could not assume charge of the Club or displace the elected Executive Committee.

17.2. Learned Senior Counsel next submitted that the findings relied upon by the State Government regarding the annual general meeting held on 01.02.2026 were factually incorrect. According to him, the meeting was disrupted by persons who were not members of the Club and who had entered the meeting with political motives. He submitted that the manner in which the

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meeting proceeded could not, therefore, be attributed to the Petitioner or its Executive Committee.

17.3. He further submitted that the Club's audit reports had been accepted by the Income Tax Department and the Goods and Services Tax Department and that this circumstance was inconsistent with the allegation of financial irregularities. He also submitted that the proceedings had originated from complaints made by persons having personal grievances against the Club and that the circumstances in which the complaints were made ought to be taken into account while assessing the reliability of the allegations.

17.4. Smt. Prathima Honnapura, learned Additional Advocate General, submitted that the order dated 14.05.2026 was subsequently published in the official Gazette on 20.05.2026. She therefore submitted that the statutory requirement of publication had been complied with. According to her, the subsequent publication does not affect the validity of the appointment.

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- 17.5. On the merits, learned Additional Advocate General submitted that the failure to place the audited financial statements and the budget before the general body for approval was, in itself, a violation of the Club's byelaws. This issue, she submitted, was separate from the question whether the accounts had been accepted by the Income Tax Department or the Goods and Services Tax Department.
- 17.6. She submitted that even assuming that the annual general meeting was disrupted, that circumstance would not explain or cure the other irregularities found during the enquiry. She reiterated that the enquiry disclosed collection of membership subscriptions in cash without corresponding entries or receipts and inadequate records regarding utilisation of funds collected for construction. According to her, these matters, taken together, justified the State Government's decision to appoint an Administrator.
- 17.7. Sri K.M. Prakash, learned counsel appearing as intervener, relied upon the decision in ***Rajya Vokkaligara Sangha***, particularly paragraphs

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12, 50 and 51. He submitted that the fact that the governing body was elected does not, by itself, protect it from statutory intervention where the requirements of Section 27-A are otherwise satisfied.

17.8. He further submitted that the validity of the impugned order must be examined with reference to the reasons stated in the order itself. The Respondents cannot improve or supplement those reasons through their statement of objections or subsequent pleadings. According to him, when examined on that basis, the impugned order contains sufficient reasons arising from the material gathered during the Section 25 enquiry.

17.9. Three matters arise for consideration under this Point: first, the effect of publication of the order in the official Gazette on 20.05.2026; second, the Petitioner's objections regarding the annual general meeting and the audit; and third, whether the order dated 14.05.2026, when considered in the light of the findings on Points No.(i) to (v), can be sustained.

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17.10. Section 27-A(1) requires an order appointing an Administrator to be published in the official Gazette. The requirement is statutory and cannot be treated as a mere formality. The appointment results in the elected governing body ceasing to exercise its powers and functions. Publication therefore serves the purpose of making the appointment known to the society and its members.

17.11. In the present case, the order dated 14.05.2026 was published in the official Gazette on 20.05.2026. The Petitioner has not contended that the notification so published differs from the order dated 14.05.2026 in any material respect. Nor has any specific prejudice caused by the six-day interval between the order and its publication been demonstrated. The requirement of publication having been subsequently complied with, and there being no material to show any intervening action causing prejudice to the Petitioner, the delay of six days by itself cannot be a ground to invalidate the appointment. The objection based on non-publication therefore does not warrant interference with the impugned order.

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17.12. The Petitioner has also questioned the finding regarding the annual general meeting held on 01.02.2026. According to the Petitioner, the meeting was disrupted by persons who were not members of the Club and who were acting for political reasons. The State, on the other hand, relies upon the finding that the audited financial statements and the budget were not placed before the general body for approval.

17.13. Whether the meeting was disrupted in the manner alleged by the Petitioner is a disputed question of fact. This Court, exercising jurisdiction under Article 226, would not ordinarily undertake an examination of such competing factual versions, particularly where their determination may require evidence. It is therefore not necessary to record a finding on the alleged disruption.

17.14. The relevant fact for the present purpose is that the audited financial statements and the budget were not placed before the general body for approval, nor have the audited financial statements and the budget been placed before this Court along with the Writ Petition, or

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during the course of hearing. The State Government was entitled to take this circumstance into account while examining whether the affairs of the Club were being conducted in accordance with its byelaws. The allegation of disruption, even if accepted, would not by itself answer this separate issue.

17.15. The submission that the Club's accounts had been accepted by the Income Tax Department and the Goods and Services Tax Department also does not alter the position. Compliance with requirements under the tax laws is distinct from compliance with the Club's own byelaws. The fact that a taxing authority has accepted the accounts for the purposes of the tax statutes does not establish that the accounts and budget were placed before and approved by the general body as required by the byelaws. More so when the allegations concern cash transactions, which would not form part of the returns.

17.16. The Petitioner has also questioned the complaints which led to the commencement of the proceedings, contending that the

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complainants had personal grievances against the Club. It is not necessary for this Court to determine the motive of the complainants. The fact that a complaint may have arisen from a dispute between members does not, by itself, invalidate the enquiry. Once the statutory authority receives information disclosing matters requiring examination, the validity of the subsequent action depends upon the material considered and the manner in which the statutory power is exercised.

17.17. The decision in ***Rajya Vokkaligara Sangha***, relied upon by Sri K.M. Prakash, is relevant to the extent that it requires the validity of an order to be tested on the reasons and material forming its basis. The Respondents cannot improve the impugned order by supplying new reasons through their statement of objections or during arguments. This Court has applied that principle while considering Point No. (v). The question, therefore, is whether the reasons contained in the order dated 14.05.2026 are sufficient to sustain the decision.

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17.18. The findings already recorded may now be considered together. The Section 25 enquiry has not been shown to be vitiated for want of oral hearing, though the allegation regarding refusal to receive documents could not be conclusively determined in these proceedings. Annexure-E1 shows that the Registrar considered the proposal/enquiry report, accepted the recommendation for appointment of an Administrator and forwarded the matter to the State Government. However, the material on record does not disclose any separate communication by the Registrar to the Petitioner-Club of the result of the enquiry after consideration and acceptance of the enquiry report, as required under Section 25(2)(c)(iii). The State Government thereafter independently considered the matter under Section 27-A(1)(c), issued the show-cause notice dated 09.04.2026 and proceeded to pass the order dated 14.05.2026.

17.19. The present case falls under Section 27-A(1)(c). The requirement of an enquiry and satisfaction of the State Government that appointment of an Administrator is necessary in

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the public interest therefore applied. That requirement has been found to have been complied with under Point No. (v). The subsequent publication of the order in the official Gazette also satisfies the statutory requirement of publication.

17.20. The remaining objections raised by the Petitioner either involve disputed questions of fact which cannot appropriately be determined in these proceedings or relate to matters which do not displace the findings recorded by the State Government. The fact that the Executive Committee was elected does not by itself prevent the State Government from exercising the power under Section 27-A when the statutory requirements are otherwise satisfied.

17.21. For these reasons, the order dated 14.05.2026 appointing the Administrator does not warrant interference under Article 226 of the Constitution.

17.22. This Court answers Point No. (vi) by holding that the order dated 14.05.2026 appointing the Administrator is proper and sustainable in law, having been passed in accordance with due

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procedure, and consequently the Petitioner is not entitled to the reliefs sought.

18. **Answer to Point No. (vii): What Order?**

18.1. In view of the findings recorded above, this Court passes the following order:

- (i) Writ Petition No.15518 of 2026 (GM-KSR) is ***dismissed.***

This Court has been assisted by Ms. Harshada RB, Law Clerk, in the formulation of this judgment.

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(SURAJ GOVINDARAJ)
JUDGE

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