



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 6500 OF 2020 (GM-KSR)

BETWEEN:

1. REGIONAL INSTITUTE OF CO-OPERATIVE
MANAGEMENT(RICM)
NO.67, PADMANABHANAGAR
BSK II STAGE,
BENGALURU-560 070
RERPESENTED BY ITS DIRECTOR
DR R. ELANGOVAN.
2. NATIONAL COUNCIL FOR COOPERATIVE TRAINING
SITUATED AT REGIONAL INSTITUTE OF
CO-OPERATIVE MANAGEMENT BUILDING
(TRAINING UNIT OF NCCT)
SECTOR 32-C,
CHANDIGARH-160 030
REPRESENTED BY ITS SPA HOLDER
DR. K. RAVICHANDRAN
DEPUTY DIRECTOR
RICM, BENGALURU.

...PETITIONERS

(BY SRI. S.R. GURUMATH, ADVOCATE FOR
SRI. M. KESHAVA REDDY, AND
SRI. M.C. NAGASHREE., ADVOCATE)

AND:

1. INSTITUTE OF CO-OPERATIVE
MANAGEMENT (ICM)
NO.67, BSK IIND STAGE
PADMANABHA NAGAR
GANESHA MANDIRA



BENGALURU-560 070
REPRESENTED BY ITS CHAIRMAN.

2. DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES AND DISTRICT
REGISTRAR OF SOCIETIES
ZONE 3, BANGALORE DISTRICT (URBAN)
SAHAKARA SOUDHA
MALLESWARAM
BANGALORE-560 003.

...RESPONDENTS

(BY SRI. DEVI PRASAD SHETTY., ADVOCATE FOR R1;
SRI. SRINIVAS KUMAR., M. HCGP FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE ORIGINAL RECORDS FROM THE R-2 AND AFTER PERUSAL; SET ASIDE THE REGISTRATION CERTIFICATE OF THE R-1 SOCIETY DATED 20.04.2018 AT ANNEXURE-Q AND THE MEMORANDUM OF ASSOCIATION AT ANNEXURE-R SHOWING THE FIRST PETITIONER AS ITS OWN BEING ILLEGAL AND CONTRARY TO LAW O R AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



ORAL ORDER

1. Petitioner is an Institute which is under the aegis of the National Council of Co-operative Training and a unit coming under the Central Government, funded entirely for the purpose of imparting training to the auditors, rendering service in various Center and State Co-operative Departments.
2. That certain Dr. B.S. Vishwanath, had got himself elected as the President of the petitioner-Institute and during his tenure he had facilitated registration of another Institute, in the name known as "Institute of Co-operative Management" (ICM), which is the respondent No.1 herein. The name, purpose and objects of the respondent No.1-Institute was also identical and similar to that of previous name of the petitioner No.1. This had also led to certain confusions and anomaly with regard to claim over certain immovable property which was granted by the State Government in the name of the petitioner-Institute, which was made apparently in the name of the President of the petitioner-Institute in the year 1962.



3. It is alleged that taking advantage of the grant made in the name of the President of the petitioner-Institute. Aforesaid Dr. B.S. Vishwanath, claiming to be the President of the subsequently constituted society, namely respondent No.1, started to stake claim over the said property.
4. This had led the petitioner-Institute to cause issuance of legal notice dated 28.05.2018 to the Deputy Registrar, Co-operative Societies and District Registrar, Co-operative Societies calling upon them to cancel the registration of respondent No.1-Institute. Pursuant to which, the respondent No.2- Deputy Registrar, Co-operative Societies and District Registrar, Co-operative Societies had initiated the proceedings under Section 27 of the Karnataka Societies Registration Act, 1960 (hereinafter referred to as 'the Act, 1960') and after holding enquiry as contemplated under Section 25 of the Act, 1960, by Order dated 06.02.2021 produced at Annexure-AG, proceeded to cancel the registration of respondent No.1-Institute.
5. Being aggrieved, respondent No.1-Institute had filed an appeal before the Karnataka Appellate Tribunal. During the



pendency of the said appeal, a communication dated 15.11.2023 as per Annexure-AH came to be issued by the Under Secretary, Government of Karnataka, Department of Co-operative Society, acting as In-charge, to the respondent No.2 herein directing to revoke the order dated 06.02.2021 and to restore the registration of the respondent No.1-Institute. In furtherance to the said communication, respondent No.2-Registrar has cancelled the report which was submitted by the Enquiry Officer, vide Order dated 12.12.2023 as per Annexure-AJ. Thereafter, respondent No.2-Registrar withdrew his Order dated 06.02.2021 and restored the registration of the respondent No.1-Institute as per Annexure-AK dated 20.05.2024. Being aggrieved, present petition.

6. Sri. S.R. Gurumath, learned Senior counsel appearing for Smt. M.C. Nagashree, learned counsel for the petitioner taking this Court extensively through the records submits that once an order under Section 27 of the Act, 1960 is passed, the officer becomes *functus-officio* and he has no authority or jurisdiction to revisit his order under any circumstances whatsoever unless statute provides. He



submits being aggrieved by the order dated 06.02.2021, respondent No.1-Institute had preferred an appeal as provided under Section 27(3) of the Act, 1960, before the Karnataka Appellate Tribunal and even before conclusion of said proceedings, the communication came to be issued by the State Functionary without reference to any provision of law or tracing any authority thereof for the purpose of issuing directions to respondent No.2-Registrar to withdraw his order and to restore the registration of the respondent No.1-Institute. That the consequent compliance of the same by respondent No.2, he submits, is also one without jurisdiction and the entire exercise post filing of the appeal by the respondent No.1-Institute before the Karnataka Appellate Tribunal was one without jurisdiction, illegal and arbitrary. Hence, seeks for allowing of the petition.

7. Learned HCGP, is unable to point out provisions of the Act, 1960 under which the communication dated 15.11.2023 as per Annexure-AH has been issued by the Chief Secretary, Government of Karnataka directing the respondent No.2-Registrar to withdraw the order and to restore the registration of the respondent No.1-Institute.



8. Learned counsel for the respondent No.1-Institute on the other hand, justifying the order of restoration, submits that the said order has been passed in exercise of the revisional jurisdiction of the State.
9. Heard and perused the records.
10. Facts narrated above do not require reiteration. Respondent No.2-Registrar upon the notice issued by the petitioner-Institute had initiated the proceedings under Section 27 of the Act, 1960 and had caused enquiry to be conducted through an Enquiry Officer as contemplated under Section 25 of the Act, 1960.
11. Perusal of the said proceedings and order indicate that according to the report of the enquiry officer, certain irregularities and illegalities being committed by the respondent No.1-Institute in obtaining the registration in the name similar and synonymous to the petitioner-Institute thereby violating provisions of Section 7 of the Act, 1960. The report further notes that the Dr. B.S. Vishwanath despite expiry of his term had misused his power in issuing letters in the name of petitioner-Institute



affecting the rights of the petitioner- Institute over the property and had thus made false claim thereof. The charges that were framed in the enquiry were thus found to have been proved in the enquiry report. That there was no response or rebuttal to the said report, despite issuance of notice. It is based on these reasoning, respondent No.2- Registrar had proceeded to pass the Order dated 06.02.2021, cancelling the registration of respondent No.1 as contemplated under Section 27 of the Act, 1960.

11. As against the above order, respondent No.1- Institute had preferred an appeal under Sub-section (3) of Section 27 of the Act, 1960 before the Karnataka Appellate Tribunal.
12. During the pendency of the said appeal, the Under Secretary, Government of Karnataka, Department of Co-operative Society has issued a communication dated 15.11.2023 produced at Annexure-AH to the writ petition.
13. Perusal of the said communication indicates that respondent No.1-Institute after having filed the appeal before the Karnataka Appellate Tribunal, simultaneously also moved the Chief Secretary, Government of Karnataka



by filing an application questioning the very report and conclusion arrived at by the respondent No.2-Registrar. Which was parallelly taken up for consideration. The Under Secretary, Government of Karnataka, Department of Co-operative Society, as In-charge, has issued the impugned direction as noted above to the respondent No.2-Registrar to withdraw the order dated 06.02.2021 and restore the registration of respondent No.1- Institute.

14. Prompt compliance to the aforesaid direction by respondent No.2-Registrar has resulted in order dated 12.12.2023 as per Annexure-AJ, cancelling the Enquiry Report and passing of the order dated 20.05.2024, as per Annexure-AK, in terms of which, order dated 06.02.2021, cancelling the registration of respondent No.1-Institute has been withdrawn and registration of the respondent No.1-Institute has been restored.

15. As noted above, once an order under Sub-Section (2) of Section 27 of the Act, 1960 cancelling the registration of respondent No.1- Institute has been passed by the respondent No.2-Registrar there is no specific provision



under the Act, 1960 empowering him to recall the said order. Only remedy available to the respondent No.1 was to prefer an appeal under Sub-Section (3) of Section 27 of the Act, 1960, which was indeed done. However, before passing of orders thereon, the Under Secretary, Government of Karnataka, Department of Co-operative Society, acting as In-charge, has issued directions to the respondent No.2-Registrar.

16. No specific provisions of law has been brought to the notice of this Court by the respondents justifying such an action by and under the name of the Chief Secretary, Government of Karnataka. In the absence of any provision of law being shown, justifying such an action at the hands of the Chief Secretary, Government of Karnataka and consequent cancellation of the Enquiry Report vide order dated 12.12.2023 as per Annexure-AJ and order dated 20.05.2024 as per Annexure-AK, withdrawing the earlier order dated 06.02.2021 passed under Sub-Section (2) of Section 27 of the Act, 1960 and resultant in restoration of the registration of the respondent No.1-Institute,



petitioner-Institute has made a case for interference.

Accordingly following:

ORDER

(i) Petition is ***partly allowed***.

(ii) Impugned communication dated 15.11.2023 as per Annexure-AH, impugned order dated 12.12.2023 as per Annexure-AJ, and impugned order dated 20.05.2024 as per Annexure-AK are hereby quashed.

Pending Interlocutory Applications are disposed of accordingly.

**Sd/-
(M.G.S. KAMAL)
JUDGE**