HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO. 26513 OF 2025 (CS-RES)

BETWEEN:

1. SMT. ASHA S. SALIYAN
   W/O MR.SURSH PUTHRAN
   AGED ABOUT 51 YEARS
   HOUSE NO.1-24, AKSHYA NILAYA
   KUNTABETTU, BELMANU
   KARKALA TALUK-576 111

...PETITIONER

(BY SRI. K. SHASHIKANTH PRASAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF CO-OPERATIVE SOCIETY
   VIDHANA SOUDHA
   DR.AMBEDKAR VEEDHI
   BENGALURU-560 001
   REP. BY CHIEF EXECUTIVE

2. THE RECOVERY OFFICER (NI 441) AND
   ASSISTANT REGISTRAR OF
   CO-OPERATIVE SOCIETY
   KA.RA.SOW.SUM.SA.NI.
   BENGALURU-560 001
   REPRESENTED BY
   THE ASSISTANT RIGISTRAR

Digitally signed by V MANJUSHA BAI
Location: HIGH COURT OF KARNATAKA

3. SHRI MOOKAMBIKA VIVIDODDESHA
SOWHARDA SAHAKARI SANGHA (N)
KUNDAPURA, [REG. UNDER KARNATAKA
CO-OPERATIVE SOCIETIES ACT]
JULIE-YO RESIDENCY
GROUND FLOOR, ANKADA KATTE
N.H.66, HANGALURU-576 217
KUNDAPURA DISTRICT
REP. BY BRANCH MANAGER

4. MR. LATHISH KANCHAN
S/O MR. SHEKAR KANCHAN
AGED ABOUT 40 YEARS
BEHIND KRISHNA MANDIR
BAILAKERE, MALPE-576 108
UDUPI TALUK

5. MR. RAGHAVENDRA KANCHAN
W/O MR.SHEKAR KANCHAN
AGED ABOUT 42 YEARS
HOUSE WIFE
BEHIND KRISHAN MANDIR
BAILKERE, MALPE
UDUPI TALUK-576 108

…RESPONDENTS

(BY SMT. SPOORTHI V., HCGP FOR R1 & R2;

SRI. PRADEEP NAIK K., ADVOCATE FOR R3;

VIDE ORDER DATED 02.09.2025 NOTICE TO R4 & R5 IS DISPENSED WITH)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE AUCTION NOTICE IN FORM NO-8 AND 9 DATED 09.07.2025 IN

EXECUTION PETITION NO.KA.RA.SOW.SUM.SA.NI/SA.SUM.SA.NI/VA,AA/423/2024-25 FOR THE AUCTION TO BE HELD ON 08.09.2025 ISSUED BY RESPONDENT NO.2 (ANNEXURES-A AND B) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. The petitioner has challenged the auction notice issued in furtherance of the award passed in respect of a default committed in repayment of a loan.

2. Learned High Court Government Pleader upon instructions, submits that, the petitioner is having an alternative and efficacious remedy under Sections 105 and 106 of the Karnataka Co-operative Societies Act, 1959.

3. As the petitioner is having an alternative and efficacious remedy, the petition stands ***dismissed*** reserving the liberty to the petitioner to avail the alternative remedy in accordance with law.

If the petitioner were to prefer an appeal, the appellate authority shall condone the delay equivalent to the time spent by the petitioner in pursuing the instant writ petition.

Sd/-
(M.I.ARUN)
JUDGE

PGG
List No.: 1 Sl No.: 53