



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 28957 OF 2025 (CS-RES)

BETWEEN:

1. B. LOKESH
S/O LATE BASAVIAIAH,
AGED ABOUT 60 YEARS,
R/AT NO.876, 16TH MAIN,
3RD BLOCK, RAJAJINAGAR
BENGALURU-560010.
2. P. SELVAM,
S/O. S. PERUMAL,
AGED ABOUT 65 YEARS,
R/AT NO.25, 11TH CROSS,
MANJUNATH NAGAR,
MAGADI MAIN ROAD
CHOLUR PALYA,
BANGALORE-560023.

...PETITIONERS

(BY SRI. PRADEEP KUMAR R.H., ADVOCATE FOR
SRI. SHANMUKHAPPA, ADVOCATE)

AND:

1. THE JOINT REGISTRAR OF
CO - OPERATIVE SOCIEITES,
PAMPAMAHAKAVI ROAD,
CHAMARAJPET,
BANGALORE-560018.

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



2. THE BINNYPET GRUHA NIRMANA
SAHAKARA SANGHA NIYAMITHA
HAVING ITS REGD OFFICE AT NO.4,
BINNY LAYOUT, 12TH CROSS,
MANJUNATHNAGAR,
MAGADI ROAD,
BANGALORE-560027,
REPRESENTED BY ITS PRESIDENT / SECRETARY
3. SMT. SAROJAMMA
W/O LATE K NARYANA
AGED MAJOR
R/AT NO.560, 10TH MAIN
5TH BLOCK, RAJAJINAGAR,
BENGALURU-560010.

...RESPONDENTS

(BY SRI. GANESH KUMAR, ADVOCATE FOR C/3;
SRI. YOGESH D. NAIK, AGA FOR R1)

THIS WRIT PETITON IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 01.07.2025 PASSED BY THE HON'BLE KARNATAKA APPELLATE TRIBUNAL IN COP.APPEAL NO.30/2008 VIDE ANNEXURE-A WHICH IS ILLEGAL, ARBITRARY, PERVERSE, AND IN VIOLATION OF PRINCIPLES OF NATURAL JUSTICE AND CONSEQUENTLY SET ASIDE THE ORDER PASSED BY THE 1ST RESPONDENT IN DISPUTE NO. 13/4/2005 JRB/MD/50/97-98 DATED 13.04.2025 UNDER SECTION-70 OF THE KCS ACT, 1959 VIDE ANNEXURE-B.



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

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

ORAL ORDER

Heard learned counsels appearing for the parties.

2. In this writ petition, petitioners are assailing the order dated 01.07.2025 in Cop.Appeal No.30/2008 (Annexure-A) and order dated 13.04.2005 issued by respondent No.1 (Annexure-B).

3. It is argued by the learned counsel appearing for the petitioners that, on 26.01.1987, the respondent No.2 - Society has allotted site bearing No.22 at Kempapura Agrahara, Bengaluru, to the husband of respondent No.3 and thereafter, the said site allotted in favour of the husband of the respondent No.3 came be cancelled on 03.06.1996. It is also stated that thereafter respondent No.2 has allotted the subject matter of site in favour of petitioner No.1 as per the registered sale deed dated 07.06.1996 (Annexure-G) and the petitioner No.1 is in possession of the schedule property. It is also argued by the learned counsel appearing for the petitioners the that



respondent No.3 had filed O.S.No.5503/1996 against respondent No.2 and the petitioner No.1 seeking declaration as to the registered sale deed dated 07.06.1996 as null and void, and the said suit came to be dismissed. It is also argued by the learned counsel for the petitioners by referring to the impugned order passed by the authorities at Annexures- A and B that a fair opportunity has not been extended to the petitioners, as to say about the sale deed being executed by the respondent - Society in favour of petitioner No.1 is concerned. Accordingly sought for interference of this Court.

4. Per contra, Sri.Ganesh Kumar, learned counsel appearing for respondent No.3 submitted that the cancellation of the site allotted by respondent No.2 in favour of the husband of respondent No.3 was challenged before respondent No.1 and respondent No.1 by order dated 13.04.2005, allowed the proceedings initiated by respondent No.3 and accordingly the cancellation of the allotment made in favour of husband of respondent No.3 was quashed. Therefore learned counsel submitted that there is no infirmity in the impugned orders passed by respondents.



5. Sri.Yogesh D Naik, learned Additional Government Advocate sought to justify the impugned orders passed by the competent authorities.

6. In the light of the submissions made by the learned counsels appearing for the parties, it is not in dispute that on 26.01.1987, respondent No. 2 has allotted the site in question in favour of the husband of respondent No.3 - K. Narayana (Annexure-C). Thereafter, husband of respondent No. 3 died on 25.10.1989. In the meanwhile, Respondent No.2 by letter dated 03.06.1996 has cancelled the allotment made in favour of the husband of respondent No.3 and respondent - Society had executed the registered Sale Deed dated 07.06.1996 (Annexure-G) in favour of petitioner No.1 herein. It is also to be noted that respondent No.3 has questioned the cancellation of the site made in favour of her husband before respondent No.1 under Section 71 of the Karnataka Co-operative Societies Act. The competent authority at 'Annexure-B' after considering the material on record in a detailed consideration has quashed the cancellation of the site made in favour of husband of respondent No.3 and accordingly directed the respondent -



Society to re-allot the same in favour respondent No.3. The said order was questioned by the petitioners herein before the Karnataka Appellate Tribunal in Cop.Appeal No.30/2008. The Karnataka Appellate Tribunal after considering the material on record, as to the non-compliance of the principles of natural justice and as urged by the petitioners herein, has given a detailed consideration at paragraph 19 of the impugned order at 'Annexure-A'. Perusal of the observation made by the Karnataka Appellate Tribunal would make it clear that, the petitioners herein have not made any efforts to adduce evidence before the authority, despite an opportunity of hearing has been extended by the competent authority. In that view of the matter, taking into consideration the finding recorded by the KAT at paragraph Nos.20 to 22 and 24 of the impugned order, I am of the view that, there is no infirmity in the order passed by both the authorities at 'Annexure-A' and 'Annexure-B'. Accordingly, I am of the view that no interference is called for in this petition.

7. However, insofar as the submission made by learned counsel appearing for the petitioners as to the civil suit



in O.S.No.8788/2002 is concerned, I am of the view that, this Court cannot embark upon the judgment and decree passed by the Trial Court, as the lis between the parties in the present writ petition is as to the cancellation of the allotment made in favour of the husband of respondent No.3 by respondent No.2-Society. Hence, no interference is called for.

Accordingly, the writ petition is dismissed.

Sd/-
(E.S.INDIRESH)
JUDGE

AP
List No.: 1 Sl No.: 14