



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 31079 OF 2025 (CS-RES)

BETWEEN:

MR. USMAN
S/O LATE ABBONU BEARY,
AGED ABOUT 54 YEARS,
R/AT KUDRENJA HOUSE, PADANGADY,
BELTHANGADY, DAKSHINA KANNADA - 574 214.

...PETITIONER

(BY SRI. DHANANJAY KUMAR, ADVOCATE - ABSENT)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO OPERATIVE SOCIETIES,
VIDHANA SOUDHA,
BANGALORE- 560 001.
REP BY ITS SECRETARY
2. SHREE BHAGAVATHI CO-OPERATIVE BANK LTD.
(BANK REGISTERED UNDER THE RESERVE BANK OF
INDIA ACT)
HAVING ITS OFFICE AT MORGAN'S GATE,
JAPPU, MANGALORE,
DAKSHINA KANNADA 574 142.
REP. BY ITS GENERAL MANAGER.
3. THE RECOVERY OFFICER CO-OPERATIVE SOCIETIES,
MANGALORE,

Digitally
signed by V
MANJUSHA
BAI

Location:
HIGH
COURT OF
KARNATAKA



MANGALORE SUB-DIVISION,
DAKSHINA KANNADA - 574 142.

...RESPONDENTS

(BY SMT. SPOORTHY V., AGA FOR R1

SRI. KETHAN KUMAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE FORM NO.8 AND FORM NO.9 DATED 22.09.2025 ISSUED BY THE RESPONDENT NO.3/THE RECOVERY OFFICER, CO-OPERATIVE SOCIETIES, MANGALORE SUB-DIVISION VIDE ANNEXURE-A AND A1 AND ETC.,

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

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

ORAL ORDER

None appears for the petitioner.

The petitioner has challenged the recovery proceedings initiated against him by respondent No.3 for recovery of the loan advanced by



respondent No.2 - Society. The writ petition is filed with the following prayers:

"(i) Issue a writ of certiorari, by setting aside the Form No.8 & Form No.9 dated 22/09/2025 issued by the Respondent No.3 / the Recovery Officer, Co-Operative Societies, Mangalore Sub-Division vide Annexure-A & A1.

(ii) Issue a direction to the Respondent No.2 Bank to grant EMI facility for the overdue amount and to regularize the loan account of the Petitioners herein.

(iii) Issue any other order or direction under the facts and circumstances of the present case, to grant such other relief as this Hon'ble court would deem fit to be granted, in the interest of justice and equity."

2. On 17.10.2025, this Court has passed the following interim order:

"Learned Additional Government Advocate takes notice for respondent No.1 - State.

Heard learned counsel for the petitioner and learned Additional Government Advocate for respondent No.1 - State on the interim prayer relied by the petitioner.



It is noticed that the petitioner admits availing of the loan and also admits that she has not repaid the loan that has been taken. The petitioner is liable to pay an outstanding amount of Rs.23,52,581/- with respondent No.2. Hence, there shall be stay of Form No.8 and Form No.9 dated 22.09.2025 issued by respondent No.3/the Recovery officer, Co operative Societies, Mangalore Sub-Division vide Annexure A and A1, subject to deposit of the amount before respondent No.2 within six weeks from today.

It is made clear that the order of stay shall come into force from the date of compliance of the condition.

Issue notice to respondent Nos.2 and 3."

3. It is further submitted that the petitioner has not complied with the conditional interim order.

4. It is seen that the petitioner is having an alternative and efficacious remedy under Sections 105 and 106 of the Karnataka Co-operative Societies Act, 1959.

5. For the aforementioned reasons, the Writ petition is hereby **dismissed**, reserving liberty to the



petitioner to approach the Appellate Authority in the manner known to law.

6. It is hereby made clear that no opinion is expressed on the merits of the case and if an appeal were to be filed, the Appellate Authority shall decide the same in the manner known to law, without being influenced by any of the observations made herein above.

7. The petitioner shall also be entitled to the benefit of Section 14 of the Limitation Act, 1963, if any appeal were to be filed by them.

**Sd/-
(M.I.ARUN)
JUDGE**

CH
List No.: 1 Sl No.: 67