



CNR: KAHC010708972025

NC: 2026:KHC:55952
WP No. 32600 of 2025



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. 32600 OF 2025 (GM-KSR)

BETWEEN

NADOJA DR MAHESH JOSHI
S/O LATE SRI. HANUMANTHA BHAT JOSHI
AGED ABOUT 68 YEARS
PRESIDENT, KANNADA SAHITYA PARISHAT,
NO.10, GURU GOVINDA KRUPA,
16TH MAIN ROAD, RK LAYOUT
3RD STAGE, PADMANABA NAGAR
BANGALORE-560 070
SENIOR CITIZEN NOT CLAIMED

...PETITIONER

(BY SRI: JAYKUMAR S. PATIL., SR. COUNSEL FOR
SRI. VARUN JAYKUMAR PATIL. ADVOCATE)

AND

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
M.S.BUILDING, DR.B.R.AMBEDKAR VEEDHI,
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
NO.1, ALI ASKAR ROAD
BENGALURU-560 052
3. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
AND DISTRICT REGISTRAR UNDER THE KARNATAKA
SOCIETIES REGISTRATION ACT,
II CIRCLE, BENGALURU URBAN DISTRICT
NO.146, SAHAKAR SOUDHA,
2ND FLOOR, 8TH CROSS ROAD,
3RD MAIN ROAD, MARGOSA ROAD



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MALLESWARAM, BENGALURU-560 003

4. THE ENQUIRY OFFICER AND DEPUTY REGISTRAR
OF CO-OPERATIVE SOCIETIES,
SRI. SHASHIDHAR
IV CIRCLE, BENGALURU URBAN DISTRICT
NO.146, SAHAKAR SOUDHA
2ND FLOOR, 8TH CROSS ROAD
3RD MAIN ROAD, MARGOSA ROAD
MALLESWARAM, BENGALURU-560 003
5. THE KANNADA SAHITYA PARISHATTU
REGISTERED UNDER SOCIETIES REGISTRATION ACT, 1960
OFFICE AT PAMPA MAHAKAVI ROAD
CHAMARAJAPETE BENGALURU-560 0018
REPRESENTED BY ITS SECRETARY

...RESPONDENT

(BY SMT. PRATHIMA HONNAPUR., AAG FOR R1 TO R4;
SRI. BELLE.R., ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE
NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED
30/09/2025 BEARING NO.CO 281 CSR 2025 VIDE ANNEXURE -M
ISSUED BY RESPONDENT NO.1, IN THE INTEREST OF JUSTICE AND
EQUITY AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING
BEEN RESERVED FOR ORDERS ON 04.08.2026, THIS DAY, THE
COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

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CAV ORDER

1. The petitioner is before this Court seeking for the following reliefs:

a) Issue a writ in the nature of certiorari quashing the impugned order dated 30/09/2025 bearing No. CO 281 CSR 2025 vide Annexure-M issued by Respondent No.1, in the interest of justice and equity.

(a)(i). Issue a writ in the nature of certiorari quashing the impugned order bearing No. CO 281 CSR 2025 dated 30.12.2025 vide Annexure-N passed by Respondent No.1 in the interest of justice and equity.

(a)(ii). Issue a writ in the nature of certiorari quashing the impugned order bearing No. CO 281 CSR 2025 dated 31.03.2026 vide Annexure-P passed by Respondent No.1, in the interest of justice and equity.

(a)(iii). Issue a writ of nature of certiorari quashing the impugned order bearing No. CO 281 CSR 2025 dated 01.06.2026 vide Annexure-Q passed by the Respondent No.1, in the interest of justice and equity.

b) Pass such other writ, order or direction that this Hon'ble Court deems fit to pass in the circumstances of the case.

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2. The prayers which have been sought for were amended from time to time, and the final prayers are extracted above.
3. The petitioner is a member and former president of respondent No.5-Kannada Sahitya Parishattu, which is an autonomous body with the aims and objectives of promotion of Kannada language, culture, literature and identity. The petitioner claims that he was elected to the post of the President on 24.11.2021 for a period of 5 years and as on the date of commencement of proceedings, he had 1 year left out of the said term.
4. What had initially been challenged in the present proceedings is the appointment of the Administrator on 30.09.2025 at Annexure-M; by way of the subsequent amendments, the extensions of the appointment of the Administrator have been challenged.
5. Sri.Jaykumar S. Patil., learned Senior Counsel appearing for the petitioner would submit that;
 - 5.1. Initially the Annual General Body Meeting ("**AGM**") of the Society for the year 2023-24 was scheduled to be held in December 2024.

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However, due to certain administrative constraints, the petitioner had requested respondent No. 3, Deputy Registrar of Co-operative Societies ("**DRCS**"), to extend the period, which was extended until April 2025. Due to extreme weather conditions in Bellary during April, the life members of respondent No.5 requested postponement of the AGM till May-June 2025. In that view of the matter, a request was made for extension of time to respondent No.3, which was so granted, and the AGM was to be held on 29.06.2025 at "Adarsha Kalyana Mantapa, Sandur Bellari".

5.2. Learned Senior Counsel for the petitioner submits that respondent No.3-DRCS issued notices dated 25.04.2025, 12.05.2025 and 10.06.2025 calling upon the petitioner to explain the complaints received regarding the administration of the Society. The petitioner replied on 20.05.2025 and 18.06.2025, stating that the issues would be discussed at the meeting scheduled for 29.06.2025 and that a detailed explanation would thereafter be submitted.

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5.3. The AGM scheduled for 29.06.2025 was cancelled by order dated 27.06.2025. An enquiry against the petitioner was thereafter initiated by order dated 30.06.2025. The petitioner challenged both orders in W.P.No.20919/2025.

5.4. During the pendency of the said writ petition, the Secretary, Kannada and Culture Department constituted an Enquiry Committee on 23.07.2025 to examine complaints substantially similar to the allegations against the petitioner. The Committee submitted an interim report stating that the petitioner had not furnished his response despite opportunities and recommended appointment of an Administrator under Section 27A of the KSR Act for a detailed enquiry.

5.5. By order dated 21.08.2025 in W.P.No.20919/2025, this Court permitted the petitioner to conduct the AGM anywhere in Karnataka in accordance with the bylaws. The Court did not interfere with the order directing the enquiry. The petitioner's challenge to the

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enquiry order in W.A.No.1460/2025 was dismissed on 08.09.2025.

- 5.6. Learned Senior Counsel submits that, pursuant to the order dated 21.08.2025, the petitioner furnished replies to the allegations along with the relevant documents.
- 5.7. The petitioner further relies upon the interim order dated 11.09.2025, which was forwarded to the Society on 16.09.2025. According to learned Senior Counsel, by that time a recommendation for appointment of an Administrator under Section 27A had already been made.
- 5.8. On 15.09.2025, the State Government issued a notice proposing the appointment of an Administrator and required the petitioner to appear on 22.09.2025. The notice was served on the petitioner on 16.09.2025. He was given time to file his objections until 20.09.2025.
- 5.9. On 17.09.2025, the petitioner sought additional time on the ground of a bereavement in his family. He stated that he was required to travel to attend the funeral and related ceremonies.

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The request was rejected by communication dated 22.09.2025.

5.10. The petitioner thereafter, by letter dated 20.09.2025, informed the authorities that he was unable to attend the proposed hearing on account of age-related ailments and again sought 15 days' time.

5.11. On 22.09.2025, the representative of respondent No.5-Society appeared before respondent No.4-Enquiry Officer and sought further time for the petitioner to submit his reply and to avail an opportunity of personal hearing. The request was rejected on the same day. The petitioner challenged that order in W.P.No.29086/2025.

5.12. On 23.09.2025, this Court noticed that the enquiry scheduled for 22.09.2025 had not taken place and directed that a fresh date be fixed. The Court also permitted the AGM scheduled for 05.10.2025 to proceed. It was observed that the proceedings under Section 27A and any resolution passed in the AGM would remain subject to the orders of the Court. The enquiry was also permitted to

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continue, with its outcome to be placed before the Court before implementation.

5.13. Learned Senior Counsel submits that, notwithstanding the above order, respondent No.1 subsequently informed the Court on 30.09.2025 that an Administrator had been appointed for three months under Section 27A of the KSR Act. According to him, the appointment had the effect of preventing the AGM and was therefore inconsistent with the order dated 23.09.2025.

5.14. Learned Senior Counsel further submits that the petitioner had already furnished replies to all 17 charges. According to him, the last of the replies was submitted on 24.09.2025, before the Administrator was appointed on 30.09.2025. The relevant documents were also furnished.

5.15. It is therefore submitted that, by 30.09.2025, there was no basis to allege that the petitioner was not cooperating with the enquiry or that an Administrator was required to secure the Society's records.

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5.16. Learned Senior Counsel submits that, despite the appointment being under challenge before this Court, the Administrator entered the Society's premises with police protection and took steps to secure the records.

5.17. His principal submission is that Section 27A of the KSR Act permits appointment of an Administrator only for the purposes specified in the provision. According to him, securing documents or facilitating an enquiry is not, by itself, a ground for such appointment.

5.18. Learned Senior Counsel relies upon Section 25(2)(a) of the KSR Act and submits that the Enquiry Officer has statutory power to summon persons, inspect records and require production of documents from the Society or from any person having custody of them. The Enquiry Officer therefore could have secured the necessary records without recommending the appointment of an Administrator.

5.19. It is further submitted that the petitioner was not given an effective opportunity of hearing before the Administrator was appointed. Though a show-cause notice was issued, the

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objections and documents submitted by the petitioner were not considered before the order dated 30.09.2025 was passed. The petitioner therefore contends that the order violates natural justice and suffers from non-application of mind.

5.20. Learned Senior Counsel also submits that the proceedings were initiated on complaints made by certain members and were not suo motu proceedings by the Registrar. According to him, the statutory requirements for initiating an enquiry on the basis of a complaint, including the requirement regarding the requisite number of members supporting the complaint, were not satisfied.

5.21. It is further submitted that the Administrator has taken over only the functions of the President, Secretary and Treasurer, while the Executive Committee and other office bearers continue to function. According to learned Senior Counsel, this demonstrates that there was no justification for displacing the elected management of the Society.

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5.22. Learned Senior Counsel submits that the Society had regularly conducted its AGMs in 2021 and 2022. The dispute regarding the AGM arose subsequently and resulted in W.P.No.20919/2025. According to him, the elected office bearers had otherwise continued to discharge their functions in accordance with the bylaws.

5.23. Learned Senior Counsel submits that appointment of an Administrator is an exceptional measure because it displaces the elected management. The power under Section 27A must therefore be exercised strictly within the limits of the statute and only when the statutory conditions are satisfied.

5.24. Learned Senior Counsel further submits that, in any event, the purpose for which the Administrator was allegedly appointed has ceased to exist. The Enquiry Officer has completed the enquiry and submitted the report to the District Registrar. There is therefore no continuing requirement for an Administrator to secure records or facilitate the enquiry.

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5.25. It is also submitted that a Returning Officer was appointed by the Secretary, Kannada and Culture Department on 08.06.2026 and that, on the same date, the petitioner was removed from the membership of the Society.

5.26. The subsequent extensions of the Administrator's tenure are therefore challenged on the ground that the original purpose of the appointment had already been achieved and that no independent statutory basis existed for continuing the Administrator.

5.27. Learned Senior Counsel accordingly submits that the order appointing the Administrator and the subsequent orders extending the appointment are liable to be set aside as being contrary to Sections 25 and 27A of the KSR Act, in violation of natural justice and unsupported by the circumstances existing when those orders were passed.

5.28. In this regard, he relies upon the decision of the Hon'ble Apex Court in ***Ravi Yashwant Bhoir v. District Collector, Raigad & Ors,***¹ more particularly paragraphs 32, 33, 47, 48

¹ (2012) 4 SCC 407



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and 70 thereof, which are reproduced hereunder for easy reference;

32. *In service jurisprudence, minor punishment is permissible to be imposed while holding the inquiry as per the procedure prescribed for it but for removal, termination or reduction in rank, a full-fledged inquiry is required otherwise it will be violative of the provisions of Article 311 of the Constitution of India. The case is to be understood in an entirely different context as compared to the government employees, for the reason, that for the removal of the elected officials, a more stringent procedure and standard of proof is required.*

33. *This Court examined the provisions of the Punjab Municipal Act, 1911, providing for the procedure of removal of the President of the Municipal Council on similar grounds in Tarlochan Dev Sharma v. State of Punjab [(2001) 6 SCC 260 : AIR 2001 SC 2524] and observed that removal of an elected office-bearer is a serious matter. The elected office-bearer must not be removed unless a clear-cut case is made out, for the reason that holding and enjoying an office, discharging related duties is a valuable statutory right of not only the elected member but also of his constituency or electoral college. His removal may curtail the term of the office-bearer and also cast stigma upon him. Therefore, the procedure prescribed under a statute for removal must be strictly adhered to and unless a clear case is made out, there can be no justification for his removal. While taking the decision, the authority should not be guided by any other extraneous consideration or should not come under any political pressure.*

47. *This Court has consistently held that the State is under an obligation to act fairly without ill will or malice in fact or in law. Where malice is attributed to the State, it can never be a case of personal ill will or spite on the part of the State. "Legal malice" or "malice in law" means something done without lawful excuse. It is a deliberate act in disregard to the rights of others. It is an act which is taken with an oblique or indirect object. It is an act done wrongfully and wilfully without reasonable or probable cause, and not necessarily an act done from ill feeling and spite.*

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48. Mala fide exercise of power does not imply any moral turpitude. **It means exercise of statutory power for "purposes foreign to those for which it is in law intended".** It means conscious violation of the law to the prejudice of another, a depraved inclination on the part of the authority to disregard the rights of others, where intent is manifested by its injurious acts. **Passing an order for unauthorised purpose constitutes malice in law.** (See ADM, Jabalpur v. Shivakant Shukla [(1976) 2 SCC 521 : AIR 1976 SC 1207] , Union of India v. V. Ramakrishnan [(2005) 8 SCC 394 : 2005 SCC (L&S) 1150] and Kalabharati Advertising v. Hemant Vimalnath Narichania [(2010) 9 SCC 437 : (2010) 3 SCC (Civ) 808 : AIR 2010 SC 3745] .)

70. Thus, the instant case has been a crystal clear-cut case of legal malice and therefore, the impugned orders are liable to be quashed. The duly elected member/Chairman of the Council could not have been removed in such a casual and cavalier manner without giving strict adherence to the safeguards provided under the statute which had to be scrupulously followed.

5.29. By relying on **Ravi Yashwant Bhoir's** case, he submits that the Hon'ble Supreme Court has held that removal of an elected office-bearer is a serious matter. The elected office-bearer has a valuable statutory right to hold office and discharge the functions attached to it, and removal may curtail the elected term and also cast a stigma. The statutory procedure for removal must therefore be strictly followed and a clear case must be established before an elected office-bearer is removed.

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5.30. The Hon'ble Supreme Court has further held that the State and its authorities must act fairly and within the limits of the power conferred by law. Exercise of statutory power for a purpose foreign to the purpose for which the power was conferred amounts to malice in law. An order passed for an unauthorised purpose is liable to be interfered with on that ground.

5.31. Learned Senior Counsel submits that the principle laid down in ***Ravi Yashwant Bhoir*** applies with greater force where the impugned action results in the displacement of an elected body or office-bearer. Such power cannot be exercised casually or without strict compliance with the safeguards prescribed by the statute.

5.32. His submission is that the petitioner, being an elected office-bearer, could not have been displaced without a proper enquiry, a meaningful opportunity to defend himself and strict compliance with the statutory requirements. The appointment of an Administrator, according to him, has the effect of removing the elected management from office and therefore cannot be sustained unless

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the conditions prescribed under Section 27A of the KSR Act are strictly satisfied.

5.33. Learned Senior Counsel further submits that the power under Section 27A cannot be used for a purpose not contemplated by the provision. If the real object was only to secure documents or facilitate the enquiry, the Enquiry Officer already possessed the necessary powers under Section 25 of the KSR Act. Appointment of an Administrator for that purpose would therefore amount to exercise of statutory power for an unauthorised purpose.

5.34. On this basis, learned Senior Counsel submits that the impugned order is contrary to the principles laid down by the Hon'ble Supreme Court in **Ravi Yashwant Bhoir** and is liable to be set aside.

5.35. He relies upon the decision of the Hon'ble Apex Court in **State of Madhya Pradesh and Others v. Sanjay Nagayach and Others**,² more particularly para 35, 40, 41 and 42.1 thereof, which are reproduced hereunder for easy reference;

² (2013) 7 SCC 25



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35. We are of the view that this situation has been created by the Joint Registrar and there is sufficient evidence to conclude that he was acting under extraneous influence and under dictation. A legally elected Board of Directors cannot be put out of the office in this manner by an illegal order. If the charges levelled against the Board of Directors, in the instant case, were serious, then the Joint Registrar would not have taken two-and-half years to pass the order of supersession. The State of Madhya Pradesh did not show the grace to accept the judgment [Sanjay Nagayach v. State of M.P., (2012) 112 AIC 575 (MP)] of the Division Bench of the High Court and has brought this litigation to this Court spending a huge amount of public money, a practice we strongly deprecate.

40. We fail to notice why the State Government, Department of Cooperative Societies has taken so much interest in this litigation. The Joint Registrar in his letter dated 19-8-2009 to RBI stated that in the case of district cooperative bank, the powers under Section 53(2) of the Act are vested with the Regional Joint Registrar and the notice issued by the Joint Registrar is not meant for the opinion of the State Government. **Assuming, the State Government has powers under Section 49-C of the Act, no report has been forwarded by the Registrar to the State Government and no direction have been issued by the State Government with regard to the supersession of the Board.** Sorry to note that the State Government has spent huge public money by litigating this matter even up to this Court, that too, without following the binding precedents of the Madhya Pradesh High Court on the scope of the second proviso to Section 53(1) of the Act.

41. In such circumstances of the case, we are inclined to dismiss both the appeals with costs directing reinstatement of the first respondent Board of Directors back in office forthwith and be allowed to continue for the period they were put out of office by the impugned order which has been quashed. We also direct the State of Madhya Pradesh to pay an amount of Rs 1,00,000 to the Madhya Pradesh Legal Services Authority within a period of one month by way of costs and also impose costs of Rs 10,000 as against the Joint Registrar, Cooperative Societies, Sagar, the officer who passed the order, which will be deducted from his salary and be deposited in the Panna DCB within a period of two months from today. Ordered accordingly.

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42.1. Supersession of an elected Managing Committee/Board is an exception and be resorted to only in exceptional circumstances and normally elected body be allowed to complete the term for which it is elected.

5.36. By relying on ***Sanjay Nagayach's*** case, he submits that the Hon'ble Supreme Court held that a legally elected Board of Directors cannot be removed from office by an illegal order and that supersession of an elected Managing Committee or Board is an exception which should be resorted to only in exceptional circumstances. The normally elected body should be permitted to complete the term for which it was elected.

5.37. Learned Senior Counsel submits that the appointment of an Administrator in the present case has the effect of displacing the elected management of the Society. Such a measure, being in the nature of supersession, can be justified only if the statutory requirements are strictly satisfied and exceptional circumstances warrant such action.

5.38. His submission is that no such exceptional circumstances existed in the present case. The

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petitioner had furnished his replies and documents, the enquiry had proceeded, and the Enquiry Officer had the statutory power to secure the records. There was therefore no justification to displace the elected management by appointing an Administrator.

5.39. Learned Senior Counsel submits that the principle laid down in ***Sanjay Nagayach*** applies squarely to the present case. The elected office-bearers cannot be displaced by an order which travels beyond the power conferred by Section 27A of the KSR Act. The impugned order appointing the Administrator and the subsequent extensions are therefore liable to be set aside.

5.40. He relies upon the decision of this Court in ***Viswanathaiah Gangadhariah v. Joint Registrar of Co-operative Societies***,³ more particularly para 14 and 15 thereof, which are reproduced hereunder for easy reference;

14. Assuming for the sake of argument that the impugned orders of Respondents-1 and 2 are held to be illegal, then, it does not require much insight to conclude that the petitioners who were members of the elected Board of Directors of the Bank were adversely affected by that order

³ (1976) 2 Kar.LJ 123



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which abolished the Board and thus put an end to their term of office prematurely. **If such an order is held to be illegal, then, every individual member would have a right to impugn that order in a writ Court and if he succeeds the illegal order would stand quashed and the judgment would enure to the benefit of every affected member of such Board whether he had been impleaded as a party to the petition or not.** What is more, in the present case we have five members as petitioners who constituted the majority in the Board which consisted of 9 Directors. Thus their legal rights as an aggrieved party stands reinforced on equitable and moral grounds as well.

15. For the above view we find support in a Division Bench decision of this Court in K.M. Naganna v. State of Mysore [17 LR. 373.] . In that case the order superseding the Bangalore Municipal Corpn. was impugned. An identical question was posed on the strength of Durayappa's case [(1967) 2 All ER. 154 HL.] (supra) that the petition at the instance of a few of the Councillors was not maintainable, Narayana Pai, J. as he then was, had the following to say while delivering the judgment on behalf of the Bench.

"For purposes of Art. 226 of the Constn. although it is not possible or desirable to lay down a general principle or rule for deciding whether a petitioner in a given case is or is not an aggrieved person entitled to invoke the jurisdiction of High Court, if a person satisfies the Court that by the order or action complained of by him he has acquired a grievance which the law, in the circumstances, recognises, a writ petition by him cannot be thrown out as incompetent. There is also the power in the Court acting under Article 226 of the Constn. to issue notice to persons other than the petitioner immediately before it who it considers may be interested in the dispute or affected by the ultimate order that may be passed by the Court and bring them before Court and hear the case if any they wish to place before Court before an order is passed.

25. If a supersession order is made without complying with the necessary conditions prescribed therefor by the relevant statute or is made in violation of the principles of natural justice which, there is no doubt, govern the exercise of the Government's power to supersede a Municipal

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Corporation and such an order is quashed by a competent Court, it is clear that the order of the Court quashing the same amounts to a declaration that the same was void ab initio. If it is not questioned before a competent Court of law but is allowed to stand, the proper and legitimate inference would be that the parties interested in the matter and aggrieved by the order do not have sufficient grounds to attack it and that therefore it may be regarded as quite good in law. Though the Privy Council express the view that the order impugned is merely a voidable order and voidable at the instance of only the Council or the Corporation, as the case may be, their Lordships themselves observe that if successfully challenged by the Council the order of the competent Court setting aside the supersession order would mean that the said supersession order was void ab initio and never had any effect. If the successful challenge by the Council would bring about a result the benefit of which could be taken by all the persons including the Corporation, electors and the general public, it is a little difficult to see why a successful challenge by a person who answers the description of an 'aggrieved person' for the purpose of Art. 226 of the Constn. should not have the same effect.

25. The remedy sought is in the nature of certiorari. In England itself, considerations or principles bearing on the question as to who could move for certiorari developed ever since the ruling of Blackburn, J. in *R. v. Surrey Justice* ((1870) LR 5 QB 466) have led to the view that certiorari is not to be denied on a narrow concept of locus standi. It involves an element of actio popularis, because the high purpose of the writ of certiorari is to ensure effective working of the machinery of justice by preventing inferior tribunals and public authorities from abusing their powers. It is this high purpose which has led to a liberal and generous interpretation of the term "aggrieved person" to suit the needs of the situation and subserve the ends of justice. We do not think that the weight and purpose of the jurisdiction under Art. 226 of our Constn. could mean anything less or should be hampered by any narrow considerations."

5.41. By relying on **Viswanathaiah Gangadhariah's** case, his submission is that this Court has held that where an order abolishes an elected Board and prematurely

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brings the term of its members to an end, each affected member has an independent right to challenge the order. If the order is found to be illegal and is quashed, the benefit of such quashing extends to the other members affected by the order, whether or not they were impleaded in the proceedings. The decision also recognises that the expression "aggrieved person" under Article 226 of the Constitution is not to be construed narrowly. A person whose legal rights are adversely affected by the impugned action is entitled to invoke the writ jurisdiction of this Court.

5.42. Learned Senior Counsel submits that the petitioner, being an elected office-bearer whose tenure has been directly affected by the appointment of the Administrator, is an aggrieved person within the meaning of Article 226 of the Constitution. He therefore has an independent right to challenge the impugned order.

5.43. His submission is that the challenge is not rendered incompetent merely because the other members of the elected body or other

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office-bearers have not been impleaded. The petitioner directly suffers prejudice from the impugned order and is entitled to seek its quashing.

5.44. Learned Senior Counsel therefore submits that the present petition is maintainable and cannot be rejected on the ground of non-joinder of the other members or office-bearers of the Society.

5.45. His submission is that neither the Registrar nor the State has acted in a *bona fide* manner, and in this regard he relies upon the decision of the Hon'ble Apex Court in ***Zenit Mataplast P. Ltd. v. State of Maharashtra & Ors.***,⁴ more particularly para 27, 28, 29, 39 and 40 thereof, which are reproduced hereunder for easy reference;

27. Every action of the State or its instrumentalities should not only be fair, legitimate and above-board but should be without any affection or aversion. It should neither be suggestive of discrimination nor even apparently give an impression of bias, favouritism and nepotism. The decision should be made by the application of known principles and rules and in general such decision should be predictable and the citizen should know where he is, but if a decision is taken without any principle or without any rule, it is unpredictable and such a decision is antithesis to the

⁴ (2009) 10 SCC 388



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decision taken in accordance with the rule of law (vide S.G. Jaisinghani v. Union of India, AIR p. 1434, para 14 and Haji T.M. Hassan Rawther v. Kerala Financial Corporation).

28. In essence, the action/order of the State or State instrumentality would stand vitiated if it lacks bona fides as it would only be a case of colourable exercise of power. *The rule of law is the foundation of a democratic society. In I.R. Coelho v. State of T.N. [(2007) 2 SCC 1] the Apex Court held as under : (SCC pp. 98-99 & 105, paras 101, 105 & 129)*

"101. ... The State is to deny no one equality before the law.

105. ... Economic growth and social equity are the two pillars of our Constitution which are linked to the rights of an individual (right to equal opportunity), rather than in the abstract.

129. Equality, rule of law, judicial review and separation of powers form parts of the basic structure of the Constitution. Each of these concepts are intimately connected. There can be no rule of law, if there is no equality before the law. These would be meaningless if the violation was not subject to the judicial review."

29. In a case like this, when the applicant approaches the court complaining against the statutory authority alleging arbitrariness, bias or favouritism, the court, being custodian of law, must examine the averments made in the application to form a tentative opinion as to whether there is any substance in those allegations. *Such a course is also required to be followed while deciding the application for interim relief.*

39. Anything done in undue haste can also be termed as arbitrary and cannot be condoned in law (vide M.P. Hasta Shilpa Vikas Nigam Ltd. v. Devendra Kumar Jain and Bahadursinh Lakhubhai Gohil v. Jagdishbhai M. Kamalia).

40. If the instant case is considered, in the light of the above settled legal propositions and admittedly the whole

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case of the appellant is based on violation of Article 14 of the Constitution as according to the appellant it has been a case of violation of equality clause enshrined in Article 14, the facts mentioned hereinabove clearly establish that the Corporation and the Government proceeded in haste while considering the application of Respondent 4 which tantamounts to arbitrariness, thus violative of the mandate of Article 14 of the Constitution.

5.46. By relying on ***Zenit Mataplast's case***, his submission is that the Hon'ble Supreme Court has held that an action of the State or its instrumentality lacking bona fides amounts to a colourable exercise of power and is liable to judicial scrutiny. It has further held that where a statutory authority is alleged to have acted arbitrarily, with bias or favouritism, the Court is required to examine the allegations and form a prima facie view as to whether they disclose substance.

5.47. The Hon'ble Supreme Court has also held that action taken in undue haste may amount to arbitrariness and cannot be sustained in law, the Hon'ble Supreme Court found that the haste with which the authorities dealt with the matter rendered the action arbitrary and violative of Article 14 of the Constitution.

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5.48. His submission is that the sequence of events demonstrates that the decision to appoint the Administrator was taken with undue haste and without properly considering the petitioner's explanation and documents. The exercise of power was therefore not bona fide and was for a purpose beyond that contemplated by Section 27A of the KSR Act.

5.49. He relies on the decision of the Hon'ble Apex Court in ***S.L. Kapoor v. Jagmohan***,⁵ more particularly 16, 17, 20 and 25 thereof, which are reproduced hereunder;

16. Thus on a consideration of the entire material placed before us we do not have any doubt that the New Delhi Municipal Committee was never put on notice of any action proposed to be taken under Section 238 of the Punjab Municipal Act and no opportunity was given to the Municipal Committee to explain any fact or circumstance on the basis that action was proposed. If there was any correspondence between the New Delhi Municipal Committee and any other authority about the subject-matter of any of the allegations, if information was given and gathered it was for entirely different purposes. In our view, the requirements of natural justice are met only if opportunity to represent is given in view of proposed action. The demands of natural justice are not met even if the very person proceeded against has furnished the information on which the action is based, if it is furnished in a casual way or for some other purpose. We do not suggest that the opportunity need be a "double opportunity" that is, one opportunity on the factual allegations and another on the proposed

⁵ (1980) 4 SCC 379



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penalty. Both may be rolled into one. But the person proceeded against must know that he is being required to meet the allegations which might lead to a certain action being taken against him. If that is made known the requirements are met. We disagree with the finding of the High Court that the Committee had the opportunity to meet the allegations contained in the order of supersession.

17. Linked with this question is the question whether the failure to observe natural justice does at all matter if the observance of natural justice would have made no difference, the admitted or indisputable facts speaking for themselves. **Where on the admitted or indisputable facts only one conclusion is possible and under the law only one penalty is permissible, the court may not issue its writ to compel the observance of natural justice, not because it approves the non-observance of natural justice but because courts do not issue futile writs.** But it will be a pernicious principle to apply in other situations where conclusions are controversial, however, slightly, and penalties are discretionary.

20. In *Annamunthodo v. Oilfields Workers' Trade Union* [(1961) 3 All ER 621, 625 (HL)] Lord Denning, in his speech said (at p. 625):

"Counsel for the respondent Union did suggest that a man could not complain of a failure of natural justice unless he could show that he had been prejudiced by it. Their Lordships cannot accept this suggestion. If a domestic tribunal fails to act in accordance with natural justice, the person affected by their decision can always seek redress in the courts. **It is a prejudice to any man-to be denied justice.**"

25. Every wrong action of a municipal committee need not necessarily lead to the inference of incompetence on the part of the committee or amount to an abuse of the powers of the committee. **That is a matter to be decided by the State Government on the facts of each case.** A committee may admit that what it has done is wrong and yet may plead that its action does not reveal incompetence or an abuse of its powers. It may plead an honest error of judgment, it may plead some misapprehension about the state of facts or state of the law; it may plead that in any event the drastic action contemplated by Section 238(1) is not called for.



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Therefore, merely because facts are admitted or are indisputable it does not follow that natural justice need not be observed. In fact in the present case one of the complaints of the appellant is that relevant facts were not considered by the Lt. Governor. Neither the impugned order nor the note of Shri Shaiza shows that in regard to the first allegation two vital circumstances were considered: (a) The contractor had agreed to pay interest at the rate of 9 per cent on the mobilisation advance; (b) the contractor had agreed to offer bank guarantee to cover the mobilisation advance as well as the interest. It was argued that had these facts been brought to the notice of the Lt. Governor he might not have made the impugned order. If notice had been given to the Committee, the Committee would have certainly brought these facts to the notice of the Lt. Governor.

5.50. By relying on **S.L. Kapoor's** case, his submission is that the Hon'ble Supreme Court has held that the requirements of natural justice are satisfied only when the person against whom action is proposed is made aware of the allegations and the nature of the proposed action and is given a meaningful opportunity to meet the same. Furnishing information earlier, for some other purpose, does not by itself satisfy the requirement of such opportunity.

5.51. The Hon'ble Supreme Court has further held that mere admission or indisputability of certain facts does not dispense with the requirement of natural justice, particularly where the consequences of the proposed action are



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discretionary or drastic. The affected person must have an opportunity to place relevant facts and circumstances before the authority before such action is taken.

5.52. Relying on the aforesaid principles, learned Senior Counsel submits that even assuming that there were certain irregularities or lapses on the part of the Management Committee or any of the office-bearers of the Society, such alleged lapses could not, by themselves, justify the appointment of an Administrator. The authority was required to consider the explanation and the material placed by the petitioner before taking such drastic action.

5.53. Learned Senior Counsel further submits that appointment of an Administrator results in displacement of the elected management and, therefore, is an exceptional measure which cannot be resorted to merely because some irregularity is alleged against the Management Committee or its office-bearers. The power must be exercised strictly within the statutory framework and only when the circumstances contemplated by the statute are shown to exist.

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5.54. It is therefore submitted that, in the absence of a meaningful opportunity to meet the allegations and in the absence of circumstances warranting such drastic action, the appointment of the Administrator cannot be sustained.

5.55. He relies on the decision of the Hon'ble Apex Court in ***Kalabharati Advertising v. Hemant Vimalnath Narichania***,⁶ more particularly para 25, 30 and 31 thereof, which are reproduced hereunder for easy reference;

25. *The State is under obligation to act fairly without ill will or malice— in fact or in law. "Legal malice" or "malice in law" means something done without lawful excuse. It is an act done wrongfully and wilfully without reasonable or probable cause, and not necessarily an act done from ill feeling and spite. It is a deliberate act in disregard to the rights of others. Where malice is attributed to the State, it can never be a case of personal ill will or spite on the part of the State. It is an act which is taken with an oblique or indirect object. It means exercise of statutory power for "purposes foreign to those for which it is in law intended". It means conscious violation of the law to the prejudice of another, a depraved inclination on the part of the authority to disregard the rights of others, which intent is manifested by its injurious acts. (Vide ADM, Jabalpur v. Shivakant Shukla , S.R. Venkataraman v. Union of India , State of A.P. v. Goverdhanlal Pitti, BPL Ltd. v. S.P. and W.B. SEB v. Dilip Kumar Ray.)*

30. *More so, the Corporation could not pass an order recalling the order passed by it earlier and reviewing the same without assigning any reason. It was obligatory on the part of the Corporation to explain as to what was the material on record on the basis of which the*

⁶ (2010) 9 SCC 437



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earlier order has been changed. Thus, the order passed by the Corporation stood vitiated for not recording reasons and violating the principles of natural justice. It establishes the allegations of legal malice made by the appellant against the Corporation.

31. The submission made on behalf of Respondents 1 to 5 that the appellant could not challenge the orders passed by the Corporation directly before this Court without approaching the High Court is preposterous for the reason that the Corporation passed the impugned orders in pursuance of the orders passed by the High Court itself. In fact, it could amount to challenging the basic order passed by the High Court before itself under the garb of challenging the consequential orders passed by the Corporation. "The cliché of appeal from Caesar to Caesar's wife can only be bettered by appeal from one's own order to oneself." (See *Ram and Shyam Co. v. State of.*)

5.56. By relying on ***Kalabharati Advertising's*** case, his submission is that the Hon'ble Supreme Court has held that the State is required to act fairly and without malice, whether in fact or in law. Malice in law arises where statutory power is exercised without lawful justification or for a purpose foreign to that for which the power has been conferred. It is not necessary to establish personal ill-will or spite; an indirect or oblique purpose in the exercise of statutory power is sufficient to attract the principle.

5.57. Learned Senior Counsel submits that the present case falls within the aforesaid principle. According to him, the power exercised by the State in appointing the Administrator was not



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for the purpose contemplated under the statute, but was exercised with an oblique purpose and in disregard of the rights of the elected office-bearers of the Society.

5.58. Learned Senior Counsel therefore submits that the action of the State, being vitiated by legal malice and having been taken in disregard of the statutory purpose and the rights of the petitioner, cannot be sustained in law.

5.59. He relies upon decision of this Court in ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R) & Others v. State of Karnataka & Others***,⁷ more particularly para nos.12 and 14 thereof, which are reproduced hereunder for easy reference;

12. In my considered opinion, sub-Section (1) of Section 25 of the Act can be segregated into three categories: (i) Firstly, Registrar on his own motion may institute enquiry; (ii) Secondly, the Registrar shall on the application of majority of the members of the Governing Body institute enquiry and (iii) thirdly, the Registrar shall on the application made by not less than 1/3rd of the members of the society institute enquiry.

14. As regards first category, the Registrar may on his own motion institute an enquiry. It is the mean and purport of "on his own motion" which is up for consideration in the present matter. Merely because the third party were to submit a complaint, the Registrar cannot initiate an

⁷ WP No. 201552 of 2023, dt. 09.06.2023



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enquiry without application of his mind. If a complaint is received by the Registrar and if the Registrar on perusal of the said complaint were to be of the opinion that enquiry is to be instituted, then he can order to do so and when such an order is made by the Registrar, it can only be said to be on his own motion, since there is an independent application of mind by the Registrar

5.60. By relying on ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R)'s*** case, he submits that this Court has held that Section 25(1) of the Act contemplates three distinct modes for initiation of an enquiry: (i) an enquiry instituted by the Registrar on his own motion; (ii) an enquiry instituted on an application made by the majority of the members of the Governing Body; and (iii) an enquiry instituted on an application made by not less than one-third of the members of the Society.

5.61. As regards an enquiry initiated suo motu, this Court has held that the mere receipt of a complaint from a third party does not, by itself, amount to initiation of an enquiry suo motu. The Registrar is required to consider the complaint, apply his independent mind and form an opinion that an enquiry is warranted. Only upon such independent consideration can

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the resultant enquiry be regarded as one instituted on the Registrar's own motion.

5.62. Relying upon the aforesaid principle, learned Senior Counsel submits that the mere filing of a complaint cannot automatically result in initiation of an enquiry by the Registrar. The Registrar is required to examine the complaint, apply his independent mind to the allegations and thereafter determine whether the circumstances warrant an enquiry under Section 25 of the Act.

5.63. Learned Senior Counsel submits that, in the present case, the complaints relied upon by the respondents could not, by themselves, constitute sufficient basis for treating the enquiry as having been validly initiated suo motu. The mandatory requirement of independent application of mind by the Registrar must first be satisfied.

5.64. It is therefore submitted that the validity of the subsequent proceedings, including the action taken on the basis of such enquiry, must be examined in the light of the manner in which the enquiry was initiated and whether the

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statutory requirements under Section 25(1) of the Act were duly complied with.

5.65. On all the above grounds, he submits that the writ petition is required to be allowed.

6. Sri. K. Shashi Kiran Shetty., learned Advocate General, would submit that;

6.1. Learned Advocate General would, at the outset, submit that the Kannada Sahitya Parishattu is an institution of State-wide significance, with its activities extending across Karnataka and directed towards the promotion and development of the Kannada language, literature and culture of Karnataka. Its functioning is not confined to the affairs of its members or its Managing Committee, but extends to literary, cultural and educational activities involving persons and organisations across the State.

6.2. He would submit that the Society has an extensive organisational presence through District and Taluk-level units and undertakes activities throughout the State, including literary and cultural programmes, conferences,

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publications and other activities connected with the promotion of Kannada language and literature. The proper functioning of the Society, therefore, has an impact upon a large body of persons and institutions beyond its immediate office-bearers.

6.3. Learned Advocate General would further submit that the State Government has been closely associated with the functioning of the Society and provides financial assistance for carrying out its activities. The Society thus receives public funds for purposes connected with the promotion of Kannada language, literature and culture. According to him, the manner in which such funds are administered and utilised is consequently a matter of legitimate public concern.

6.4. He would submit that the involvement of the State Government is not merely incidental. Having regard to the nature and extent of the Society's activities and the financial assistance extended by the Government, the State has a legitimate interest in ensuring that the Society functions in accordance with law, its rules and

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bye-laws, and the purposes for which public financial assistance is provided.

- 6.5. Learned Advocate General would submit that the Society's activities have a State-wide impact and require continuity, stability and proper administration. Any serious disruption in its functioning, particularly in relation to its financial administration or governance, would not remain confined to the internal affairs of the Society, but may have a consequential impact upon its literary, cultural and other activities carried out throughout the State.
- 6.6. It is in this background, learned Advocate General would submit, that the affairs of the Society assume significance for the State Government. The State Government is concerned not only with the functioning of the Society as an association of its members, but also with the proper administration of an institution having a State-wide role and receiving financial assistance from public funds.
- 6.7. Learned Advocate General would therefore submit that, when questions arise regarding the administration, financial management or

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statutory compliance of such an institution, the same cannot be viewed merely as a private dispute between the office-bearers of the Society. The State Government is required to ensure that the institution continues to function in accordance with law and that public funds and institutional resources are utilised for the purposes for which they are intended.

6.8. Learned Advocate General would submit that it is against this background that the subsequent complaints, enquiry proceedings and action taken by the competent authorities have to be considered. The nature and reach of the Kannada Sahitya Parishattu, its State-wide activities and its receipt of Government financial assistance, according to him, provide the necessary context for examining the action subsequently taken by the State Government.

6.9. Learned Advocate General would submit that the proceedings against the petitioner did not commence abruptly or without any material before the authorities. Respondent No.3-Deputy Registrar received complaints from various members of the Society dated 08.04.2025,

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24.04.2025, 02.05.2025, 12.05.2025, 26.05.2025 and 07.06.2025, alleging irregularities in the administration of the Society, arbitrary exercise of power and misappropriation of Society funds by the President.

6.10. Upon receipt of the complaints, respondent No.3 did not straightaway initiate an enquiry or take any coercive action against the Society. The Deputy Registrar issued preliminary notices dated 25.04.2025, 12.05.2025 and 10.06.2025, calling upon the Society to respond to the allegations. Learned Advocate General would submit that the Society was thus put on notice regarding the allegations and was afforded an opportunity to explain its position even before the statutory enquiry was initiated.

6.11. Learned Advocate General would further submit that the notices called for a reply within the stipulated time. However, instead of furnishing a substantive reply, the petitioner repeatedly sought extension of time. He would submit that, on one occasion, the petitioner also issued notices to the complainants and indicated that

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he would furnish his response after discussing the allegations with them. According to the learned Advocate General, the notices had been issued by the statutory authority and the petitioner was required to respond to the said notices rather than seek to resolve the allegations by discussing them with the complainants.

6.12. It is the submission of the learned Advocate General that, despite repeated opportunities and accommodation granted by the authorities, the petitioner did not furnish his reply within the stipulated time. Having regard to the serious allegations of fraud and misappropriation of funds and the failure of the petitioner to submit his explanation, respondent No.3 proceeded to initiate suo motu proceedings under Section 25 of the KSR Act by order dated 30.06.2025 and appointed an Enquiry Officer. According to him, the order initiating the enquiry was preceded by consideration of the complaints and the failure of the petitioner to respond to the notices and, therefore, cannot be characterised as mechanical or without application of mind.

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- 6.13. Learned Advocate General would submit that the Registrar, having received complaints from various members and having regard to the seriousness of the allegations, applied his mind and independently formed an opinion that an enquiry was required to be instituted under Section 25 of the KSR Act. According to him, the statutory requirement for initiation of the enquiry was thereby satisfied and the order dated 30.06.2025 was in accordance with law.
- 6.14. Learned Advocate General would further submit that the petitioner challenged the initiation of the enquiry in W.P. No.20919 of 2025. During the pendency of the said proceedings, the interim order passed therein was challenged in W.A. No.1460 of 2025. The writ appeal came to be dismissed on 08.09.2025. He would submit that the petitioner was, therefore, fully aware of the pendency and nature of the enquiry proceedings and had already invoked the jurisdiction of this Court in relation thereto.
- 6.15. Learned Advocate General would submit that, pursuant to the initiation of the enquiry, the Enquiry Officer issued notice dated 05.07.2025

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to the petitioner, calling upon him to appear before the Enquiry Officer on 21.07.2025. The petitioner was thereby given a specific opportunity to participate in the enquiry and to place his explanation with regard to the allegations.

6.16. Learned Advocate General would emphasise that the enquiry was not confined to a single sitting. Proceedings were conducted on 21.07.2025, 31.07.2025, 04.08.2025, 08.08.2025, 11.08.2025 and 22.08.2025. According to him, the repeated dates granted by the Enquiry Officer demonstrate that the petitioner was afforded adequate opportunity to participate in the enquiry and place the relevant material on record.

6.17. Learned Advocate General would submit that, despite the repeated opportunities granted during the enquiry, the petitioner did not cooperate with the proceedings and did not furnish his explanation to the 17 charges levelled against him. He would therefore contend that the allegation of violation of principles of natural justice cannot be

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considered in isolation from the conduct of the petitioner during the enquiry.

6.18. He submits that the 17 charges levelled against the petitioner are as under;

ವಿಚಾರಣಾಂಶ:-

1. ಕರ್ನಾಟಕ ಸಂಘಗಳ ನೋಂದಣಿ ಅಧಿನಿಯಮ 1960ರ ಪ್ರಕರಣ 9 ಮತ್ತು 10 ರನ್ವಯ 2022-23 ರಿಂದ ಇದುವರೆವಿಗೂ ಅನುಮೋದಿಸಿರುವ ತಿದ್ದುಪಡಿಯ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

2. ಸಂಘದ ನಿಯಮ-ನಿಬಂಧನೆಯ ಪ್ರಕಾರ ಆಯ್ಕೆಗೊಂಡಿರುವ ಆಡಳಿತ ಮಂಡಳಿ ಪದಾಧಿಕಾರಿಗಳಿಗೆ ಮತ್ತು ಜಿಲ್ಲಾ ಪದಾಧಿಕಾರಿಗಳಿಗೆ ನಿಯಮ ಬಾಹಿರವಾಗಿ ಹಾಲಿ ಅಧ್ಯಕ್ಷರು ನೋಟೀಸ್ ಜಾರಿ ಮಾಡುತ್ತಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

3. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ಸಂಘಕ್ಕೆ ಸರ್ಕಾರ ಮತ್ತು ಇತರೆ ಮೂಲಗಳಿಂದ ಸಂಗ್ರಹವಾಗಿರುವ ಅನುದಾನವನ್ನು ಪಾರದರ್ಶಕವಾಗಿ ನಿರ್ವಹಿಸದೆ ಹಣ ದುರುಪಯೋಗ ಮಾಡಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

4. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ವಿವಿಧ ಕಾರ್ಯಕ್ರಮಗಳಿಗಾಗಿ ಸಂಘವು ಜಿಲ್ಲಾ ಸಂಘಗಳಿಗೆ, ತಾಲ್ಲೂಕು ಸಂಘಗಳಿಗೆ ಮತ್ತು ಇತರೆ ಸಂಘ ಸಂಸ್ಥೆಗಳಿಗೆ ನೀಡಿರುವ ಅನುದಾನವನ್ನು ಪಾರದರ್ಶಕವಾಗಿ ನಿರ್ವಹಿಸದೆ ಹಣದುರುಪಯೋಗ ಮಾಡಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

5. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ಸಂಘದವರು ವಾಹನಗಳನ್ನು ಖರೀದಿಸಿರುವ ಮತ್ತು ಮಾರಾಟ ಮಾಡಿನಲ್ಲಿ ಮಾಡಿರುವ ಹಣದುರುಪಯೋಗದ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

6. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ಸಂಘದ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮತ್ತು ನವೀಕರಣದಲ್ಲಿನ ಹಣ ದುರುಪಯೋಗ ಮಾಡಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

7. ಸಂಘದ ಕಂಪ್ಯೂಟರ್ ಖರೀದಿ, ಸಿಸಿ ಕ್ಯಾಮೆರಾ ಅಳವಡಿಕೆ, ಅಗ್ನಿಶಾಮಕ ಉಪಕರಣದ ಅಳವಡಿಕೆ, ಪುಸ್ತಕಗಳ ಮುದ್ರಣಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಹಣದುರುಪಯೋಗದ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

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8. ಸಂಘದ ಹಾವೇರಿ ಮತ್ತು ಮಂಡ್ಯ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ನಡೆದ ಅಖಿಲ ಭಾರತ ಕನ್ನಡ ಸಾಹಿತ್ಯ ಸಮ್ಮೇಳನದ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ಸಲ್ಲಿಸದೆ ಹಣದುರುಪಯೋಗ ಮಾಡಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

9. ಕರ್ನಾಟಕ ರಾಜ್ಯ ಲೆಕ್ಕಪರಿಶೋಧನಾ ಇಲಾಖೆ ರವರು ಆಡಿಟ್ ವರದಿಯಲ್ಲಿ ಆಕ್ಷೇಪಿಸಿರುವ ಅಂಶಗಳಿಗೆ ಅನುಪಾಲನಾ ವರದಿ ಸಲ್ಲಿಸದೆ ಇರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

10. ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿ ನಿರ್ಣಯಗಳನ್ನು ಸಂಘದ ನಿಯಮ- ನಿಬಂಧನೆಗೆ ವಿರುದ್ಧವಾಗಿ ತಮ್ಮ ಇಚ್ಛಾನುಸಾರ ದಾಖಲಿಸಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು. ನಿಬಂಧನೆಗೆ ವಿರುದ್ಧವಾಗಿ.

11. ಸಂಘದ ಹಣವನ್ನು ಅಧ್ಯಕ್ಷರ ಕುಟುಂಬ ಸದಸ್ಯರ ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ನಿಯಮಬಾಹಿರವಾಗಿ ಹಣ ದುರ್ಬಳಕೆ ಮಾಡಿಕೊಂಡಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

12. ಸಂಘದ ಗುರುತಿನ ಚೀಟಿ (ಸ್ಟಾರ್ಟ್ ಕಾರ್ಡ್)ನ್ನು ನೀಡುವಲ್ಲಿ ಆಗಿರುವ ಹಣದುರುಪಯೋಗದ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

13. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ಸಂಘದಲ್ಲಿನ ಸಿಬ್ಬಂದಿ ನೇಮಕಾತಿ ನಿಯಮಬದ್ಧವಾಗಿ ನಡೆದಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

14. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ಸಂಘದವರು ನಿಯಮ ಬಾಹಿರವಾಗಿ ವಿದೇಶ ಪ್ರವಾಸ ಕೈಗೊಂಡು ಹಣದುರುಪಯೋಗ ಮತ್ತು ನಷ್ಟಮಾಡಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

15. 2022-23ನೇ ಸಾಲಿನಿಂದ ಇದುವರೆವಿಗೂ ಸಂಘದಲ್ಲಿ ಸಂಗ್ರಹವಾಗಿರುವ ಸಿ.ಎಸ್.ಆರ್ ಫಂಡ್ ಹಣ ದುರುಪಯೋಗದ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

16. ಸಂಘವು ಕರ್ನಾಟಕ ಸಂಘಗಳ ನೋಂದಣಿ ಅಧಿನಿಯಮ 1960ರ ಪ್ರಕರಣ 11ರಡಿ ಪ್ರತಿ ವರ್ಷ ನಡೆಸಿರುವ ವಾರ್ಷಿಕ ಸರ್ವಸದಸ್ಯರ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

17. ಸಂಘವು ಕರ್ನಾಟಕ ಸಂಘಗಳ ನೋಂದಣಿ ಅಧಿನಿಯಮ 1960ರ ಪ್ರಕರಣ 13ರಡಿ ಪ್ರತಿ ವರ್ಷ ವಾರ್ಷಿಕ ಸರ್ವಸದಸ್ಯರ ಸಭೆಯ ನಂತರ ದಾಖಲಾತಿಗಳನ್ನು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಿ ಸ್ವೀಕೃತಿ ಪಡೆದಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವುದು.

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6.19. Learned Advocate General submits that the 17 charges framed against the petitioner are not isolated or minor allegations, but concern the functioning and administration of the Society over a period commencing from the year 2022-23. The charges, as set out in the enquiry proceedings, are as follows:

- 6.19.1. **Amendments to the bye-laws:** To examine the amendments approved by the Society from the year 2022-23 onwards with reference to Sections 9 and 10 of the Karnataka Societies Registration Act, 1960.
- 6.19.2. **Issuance of notices to office-bearers:** To examine the alleged issuance by the President of notices to members of the Managing Committee and District Office-bearers, contrary to the rules and bye-laws of the Society.
- 6.19.3. **Government and other grants:** To examine the alleged non-transparent management and alleged misappropriation of grants received by

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the Society from the Government and other sources from 2022-23 onwards.

6.19.4. **Grants to affiliated bodies:** To examine the alleged non-transparent management and alleged misappropriation of grants released by the Society to District Societies, Taluk Societies and other organisations for various programmes from 2022-23 onwards.

6.19.5. **Purchase and sale of vehicles:** To examine the alleged financial irregularities and alleged misappropriation in connection with the purchase and sale of vehicles by the Society from 2022-23 onwards.

6.19.6. **Construction and renovation of Society buildings:** To examine the alleged misappropriation of funds in connection with construction and renovation of the Society's buildings from 2022-23 onwards.

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6.19.7. **Purchase and installation of equipment and printing:** To examine the alleged financial irregularities in relation to purchase of computers, installation of CCTV cameras and fire-fighting equipment, and printing of books.

6.19.8. **Accounts relating to literary conferences:** To examine the alleged failure to submit accounts relating to the Akhila Bharata Kannada Sahitya Sammelan held in Haveri and Mandya Districts and the alleged misappropriation of funds in relation thereto.

6.19.9. **Audit objections:** To examine the alleged failure to submit a compliance report in respect of the objections raised by the Karnataka State Audit Department in its audit report.

6.19.10. **Recording of Managing Committee resolutions:** To examine the allegation that resolutions of the Managing Committee were recorded according to

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the President's discretion and contrary to the rules and bye-laws of the Society.

6.19.11. **Expenditure relating to family members:** To examine the allegation that Society funds were irregularly utilised for programmes involving members of the President's family.

6.19.12. **Issue of identity cards:** To examine the alleged financial irregularities in connection with the issuance of identity cards or start cards by the Society.

6.19.13. **Staff appointments:** To examine whether appointments of staff made by the Society from 2022-23 onwards were in accordance with the applicable rules.

6.19.14. **Foreign travel:** To examine the allegation that office-bearers of the Society undertook foreign travel contrary to the rules and thereby caused financial loss or misused Society funds.

6.19.15. **CSR funds:** To examine the alleged misappropriation or misuse of CSR funds

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received by the Society from 2022-23 onwards.

6.19.16. **Annual General Body Meetings:** To examine whether the Society conducted its Annual General Body Meetings every year in accordance with Section 11 of the Karnataka Societies Registration Act, 1960.

6.19.17. **Filing of statutory records:** To examine whether, after every Annual General Body Meeting, the Society submitted the requisite records to the competent authority under Section 13 of the Karnataka Societies Registration Act, 1960 and obtained acknowledgement thereof.

6.20. Learned Advocate General would further submit that the 17 charges were not isolated or minor allegations. They concerned various aspects of the administration and functioning of the Society from the year 2022-23 onwards. The charges included examination of amendments to the bye-laws under Sections 9 and 10 of the Karnataka Societies Registration Act, 1960;

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alleged issuance of notices by the President to members of the Managing Committee and District office-bearers contrary to the rules and bye-laws; alleged non-transparent management and misappropriation of Government and other grants; alleged irregularities in grants released to District Societies, Taluk Societies and other organisations; alleged financial irregularities in the purchase and sale of vehicles; and alleged misuse of funds in the construction and renovation of Society buildings.

- 6.21. The charges further concerned alleged financial irregularities in the purchase of computers, installation of CCTV cameras and fire-fighting equipment and printing of books; alleged failure to submit accounts relating to the Akhila Bharata Kannada Sahitya Sammelan held in Haveri and Mandya Districts; failure to submit compliance reports regarding objections raised by the Karnataka State Audit Department; alleged recording of Managing Committee resolutions contrary to the rules and bye-laws; alleged utilisation of Society funds for programmes involving members of the

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President's family; and alleged financial irregularities in the issuance of identity cards or start cards.

6.22. The remaining charges concerned whether staff appointments from 2022-23 onwards were made in accordance with the applicable rules; alleged irregular foreign travel and resultant financial loss or misuse of Society funds; alleged misuse of CSR funds; compliance with Section 11 of the Karnataka Societies Registration Act, 1960 regarding Annual General Body Meetings; and compliance with Section 13 regarding submission of the requisite records to the competent authority after such meetings.

6.23. Learned Advocate General would submit that the charges thus covered the financial administration of the Society, utilisation of grants and CSR funds, expenditure on various activities, purchase and sale of assets, construction and renovation, staff appointments, foreign travel, audit compliance, internal governance, conduct of Annual General Body Meetings and statutory filing



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requirements. According to him, the allegations were not confined to a single transaction or a particular financial year, but extended from 2022-23 onwards and concerned several aspects of the Society's functioning.

6.24. Learned Advocate General would submit that the nature and extent of the charges themselves demonstrated the necessity for a detailed statutory enquiry. According to him, the allegations could not have been decided merely on the basis of preliminary explanations and required examination of the Society's records, accounts, resolutions, audit reports, expenditure particulars and other relevant documents. The Enquiry Officer was therefore justified in calling upon the petitioner to answer each of the 17 charges and in conducting the proceedings over several dates.

6.25. Learned Advocate General would further submit that, during the course of the enquiry, the Enquiry Officer examined the audit reports and other documents placed on record. According to him, though all the documents were not initially available, examination of the TDS records,



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Form-16A and other financial records disclosed instances of alleged misappropriation of funds, financial irregularities and other serious lapses in the affairs of the Society. He submits that these aspects were considered by the Enquiry Officer and a detailed report was thereafter submitted through the Deputy Registrar.

6.26. Learned Advocate General would submit that the Enquiry Officer's report and the recommendation made therein were thereafter communicated to the Society in terms of Rule 8(5) of the KSR Rules. According to him, the requirements under Section 25 of the KSR Act and Rule 8 of the KSR Rules were accordingly complied with. He would further rely upon the decision in *Amiya Vilas Swami and Others v. Shankha Brita Das and Others*, 2007 SCC OnLine Kar 432, and submit that the procedure contemplated by law stood complied with.

6.27. Learned Advocate General would submit that, taking into consideration the interim report submitted in the course of the enquiry, respondent No.3-Deputy Registrar submitted a report to the Registrar of Co-operative Societies

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recommending appointment of an Administrator to the Society under Section 27A(1)(c) of the KSR Act. He would further submit that the enquiry report was forwarded to the Society on 12.09.2025 in terms of Rule 8.5 of the KSR Rules.

6.28. According to the learned Advocate General, the enquiry could not be effectively proceeded with on account of the alleged non-cooperation of the petitioner and the office-bearers of the Society. The Registrar, therefore, accepted the report submitted by the Deputy Registrar and forwarded the same to the State Government for appropriate action.

6.29. Thereafter, the State Government issued notice dated 15.09.2025 under Section 27A(1)(c) of the KSR Act, calling upon the Society to show cause as to why an Administrator should not be appointed on the basis of the report submitted by the Registrar. Learned Advocate General would submit that this notice afforded the petitioner yet another opportunity to place his objections before the State Government before any final order was passed.

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- 6.30. Learned Advocate General would submit that the Society did not furnish a substantive reply to the said show-cause notice within the time granted. Instead, a request was made seeking further time on the ground that the petitioner's brother-in-law had expired and that the petitioner was required to attend the consequential religious ceremonies and formalities.
- 6.31. Learned Advocate General disputes the justification offered for seeking extension of time. He submits that, according to the material available with the respondents, the petitioner had not left Bengaluru and had not been attending the religious ceremonies or formalities as claimed. He would rely upon the CCTV footage available at the Society's premises, including the camera installed in the chamber of the petitioner, to contend that the petitioner was present in the Society's office.
- 6.32. Learned Advocate General would submit that, having regard to the material available with the respondents, the request for further time was not accepted and the matter was fixed for

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hearing on 22.09.2025. According to him, the petitioner was attempting to postpone the proceedings by relying upon the death of his brother-in-law. He would further submit that the petitioner's conduct cannot be considered only with reference to the request dated 17.09.2025, but must be viewed in the context of the alleged delay in responding to the complaints, notices and charges over the preceding several months.

6.33. Learned Advocate General would submit that the State Government considered the entire sequence of events, including the alleged failure of the petitioner and other office-bearers to furnish timely replies to the preliminary notices, the enquiry proceedings, the enquiry report and the subsequent show-cause notice. According to him, the decision to appoint an Administrator was not based upon the failure to respond to any single notice, but upon the cumulative conduct of the petitioner and the office-bearers throughout the proceedings.

6.34. Learned Advocate General would further submit that the Kannada Sahitya Parishattu is a

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Society having activities throughout the State of Karnataka and plays a significant role in promoting the Kannada language, literature and culture of Karnataka. He would submit that the Society receives financial assistance from the Government of Karnataka and, therefore, its affairs are required to be conducted in accordance with the applicable statutory provisions, its rules and bye-laws and the conditions governing utilisation of public funds.

6.35. He would submit that, where an institution having such State-wide reach and public significance is alleged to be facing serious financial and administrative irregularities, the competent authorities are required to examine the allegations rather than treat them as a private dispute between the office-bearers. According to the learned Advocate General, the statutory enquiry was therefore undertaken in the larger interest of ensuring proper administration and accountability.

6.36. Learned Advocate General would further submit that the functioning of the Society also has an institutional dimension. The Kannada Sahitya

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Parishattu has, over the years, been associated with literary and cultural activities across Karnataka, and its functioning involves a large number of persons and organisations beyond the immediate members of the Managing Committee. Any prolonged uncertainty in its administration, according to him, would have repercussions on the conduct of conferences, programmes, publications, grants to affiliated bodies and other activities undertaken by the Society.

6.37. In this background, learned Advocate General would submit that the State Government was justified in taking the allegations seriously, particularly when they concerned alleged misuse of public funds and the administration of an institution having State-wide activities. According to him, the public interest contemplated under Section 27A(1)(c) has to be understood having regard to the nature, functions, reach and financial character of the Society.

6.38. Learned Advocate General would therefore contend that appointment of an Administrator,



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in the circumstances of the present case, was not intended merely to regulate an internal dispute or to displace an elected office-bearer. According to him, the measure was adopted to ensure continuity of administration, protect the functioning of the Society, facilitate examination of the allegations and ensure that the affairs of an institution receiving public financial assistance were conducted in accordance with law.

6.39. He would submit that the State Government's concern was not confined to the individual interests of the petitioner or the other office-bearers. It extended to the proper utilisation of public funds, continuity of the Society's State-wide literary and cultural activities, and preservation of the institutional functioning of the Kannada Sahitya Parishattu. It is on this basis, according to the learned Advocate General, that the action taken under Section 27A(1)(c) was in public interest.

6.40. In that background, learned Advocate General submits that the continued non-cooperation alleged against the petitioner and the office-

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bearers assumed significance. According to him, when a Society entrusted with public funds has activities extending throughout the State and serious allegations concerning its financial and administrative affairs are pending examination, the authorities cannot remain passive.

6.41. Learned Advocate General would therefore submit that, upon consideration of the material placed before it, the State Government formed the opinion that appointment of an Administrator under Section 27A(1)(c) of the KSR Act was necessary. The State Government thereafter passed the order dated 30.09.2025 appointing Smt. Gayathri as Administrator of the Society for a period of three months.

6.42. Learned Advocate General would submit that Section 27A(1)(c) confers power upon the State Government to appoint an Administrator where, upon enquiry, it considers such appointment necessary in public interest. According to him, the power is intended to meet circumstances where the continued functioning of the existing

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management is considered detrimental to the proper administration of the Society.

6.43. Learned Advocate General would further submit that the appointment of the Administrator did not result in his immediate assumption of charge. According to him, the Administrator did not take charge immediately after the order dated 30.09.2025 and, therefore, the Government Order was placed before this Court for information in compliance with the direction contained in the order dated 23.09.2025.

6.44. Learned Advocate General would further submit that even after the appointment of the Administrator, the petitioner did not furnish complete replies to all the charges. According to him, replies were submitted only in respect of nine charges, while the remaining charges were not answered in full. He would contend that the allegation of non-cooperation therefore did not cease with the passing of the order appointing the Administrator.

6.45. Learned Advocate General would also place reliance upon the note sheet maintained by the Enquiry Officer, which, according to him, bears

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the signature of the petitioner. He submits that the entries therein demonstrate the petitioner's participation in the proceedings and contradict the contention that the petitioner had been completely excluded from the enquiry or denied an opportunity to respond.

6.46. Learned Advocate General would submit that the petitioner has made allegations of mala fides against the respondents and has sought to justify his request for extension of time on the ground of the death of his brother-in-law. He disputes the factual basis of that contention. He would point out that, although reference was initially made to flight tickets and the petitioner's alleged travel, learned Senior Counsel for the petitioner has subsequently submitted that the petitioner had not travelled and was in Bengaluru itself. Learned Advocate General submits that, in view of the said subsequent submission, the issue regarding the flight tickets need not be gone into for the present purpose.

6.47. Learned Advocate General would submit that the conduct of the petitioner must also be



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assessed in the context of his position as President of the Society. According to him, the President of an institution such as the Kannada Sahitya Parishattu cannot disregard notices issued by statutory authorities or fail to cooperate with proceedings validly initiated under the governing statute.

6.48. It is his submission that the petitioner, being the President and an office-bearer responsible for the administration of the Society, was expected to comply with the applicable statutory requirements and respond to notices issued by the competent authorities. Instead, according to the learned Advocate General, the petitioner repeatedly failed to furnish the required information and replies within the time granted and thereby impeded the progress of the enquiry.

6.49. Learned Advocate General would submit that the conduct of the petitioner cannot be characterised merely as a procedural lapse. According to him, repeated non-compliance with notices issued by the statutory authorities, coupled with the alleged failure to answer the

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charges during the enquiry, demonstrated a lack of cooperation in the examination of serious allegations concerning the affairs and finances of the Society.

6.50. Learned Advocate General would further submit that the State Government's decision was not intended to punish the petitioner. According to him, the appointment of the Administrator was necessitated by the need to ensure proper administration of the Society while the allegations concerning its affairs were being examined.

6.51. Learned Advocate General would submit that the Kannada Sahitya Parishattu has a large outreach across the State and that its activities have an impact throughout Karnataka. According to him, any misappropriation, financial irregularity or other serious lapse in its affairs would have an adverse impact upon the functioning and reputation of the Society and would also have implications for the Government, particularly since the Society receives Government financial assistance.

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- 6.52. Learned Advocate General would further submit that the Enquiry Officer's report and the recommendation made by the Secretary to Government were considered by the State Government before the Administrator was appointed. He would contend that the requirement of an enquiry under Section 27A(1)(c) was thereby satisfied and that the Government exercised its statutory power after considering the material placed before it.
- 6.53. Learned Advocate General would emphasise that Section 27A of the KSR Act confers an extraordinary power upon the State Government to appoint an Administrator for a temporary period in public interest. According to him, the said power was exercised in the present case only after the complaints, preliminary notices, statutory enquiry, enquiry report, recommendation of the Registrar and the subsequent proceedings under Section 27A were considered.
- 6.54. Learned Advocate General would further submit that the subsequent extensions of the tenure of the Administrator were necessitated by the

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circumstances prevailing in the Society and were intended to facilitate completion of the necessary proceedings and conduct of elections in a proper and orderly manner. According to him, continuation of the Administrator was therefore not arbitrary, but was intended to ensure that the affairs of the Society were effectively administered and that the electoral process was completed in accordance with law.

6.55. Learned Advocate General would accordingly submit that the appointment of the Administrator and the subsequent continuation of the arrangement cannot be examined in isolation. According to him, they have to be considered against the entire sequence of events: receipt of complaints, issuance of preliminary notices, alleged failure of the petitioner to furnish timely replies, initiation of the enquiry under Section 25, conduct of the enquiry on several dates, examination of the Society's records, submission and communication of the enquiry report, issuance of the show-cause notice under Section 27A(1)(c), consideration of the petitioner's request for time, and the eventual decision of

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the State Government to appoint an Administrator.

6.56. On these grounds, learned Advocate General submits that the respondents acted in discharge of their statutory obligations and that, having regard to the nature and seriousness of the allegations, the alleged continued non-cooperation of the petitioner and the office-bearers, the material gathered during the enquiry and the public interest involved in the proper administration of the Society, the appointment of an Administrator under Section 27A(1)(c) of the KSR Act was justified. He would therefore submit that the challenge to the appointment of the Administrator and the consequential continuation of the arrangement is liable to be rejected.

6.57. He relies on decision of this Court in ***Krishnamurthy v. State of Karnataka***,⁸ more particularly para 20 thereof, which is reproduced hereunder for easy reference;

20. *It has to be seen, therefore, whether the impugned order is unsustainable in view of this violation of the procedural requirements of the statutory provisions referred*

⁸ 1979 SCC Online Kar 114



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to above. In this context it is necessary to examine whether the provision—Section 25(2)(c)(iii) of the Act and Rule 8(5) of the Rules—are mandatory or merely directory. In this connection the following observations of the learned Author S.A. de Smith in Judicial Review of Administrative Action (iii) Edition at page 122 may be noted:

"The law relating to the effect of failure to comply with procedural requirements resembles an inextricable tangle of loose ends. Although it would be futile to attempt to unravel or cut all the knots, it is possible to state the main principles of interpretation that the courts have followed and to illustrate their application in a few settings.

When Parliament prescribes the manner or form in which a duty is to be performed or a power exercised, it seldom lays down what will be the legal consequences of failure to observe its prescriptions. The courts must therefore formulate their own criteria for determining whether the procedural rules are to be regarded as mandatory, in which case disobedience will render void or voidable what has been done, or as directory, in which case disobedience will be treated as an irregularity not affecting the validity of what has been done (though in some cases it has been said that there must be "substantial compliance" with the statutory provisions if the deviation is to be excused as amere irregularity). Judges have often stressed the impracticability of specifying exact rules for the assignment of a procedural provision to the appropriate category. The whole scope and purpose of the enactment must be considered, and one must assess 'the importance of the provision that has been disregarded, and the relation of that provision to the general object intended to be secured by the Act,' Furthermore, much may depend upon the particular circumstances of the case in hand. Although 'nullification is the natural and usual consequence of disobedience,' breach of procedural or formal rules is likely to be treated as a mere irregularity if the departure from the terms of the Act is of a trivial nature, or if no substantial prejudice has been suffered by those for whose benefit the requirements were introduced, or if serious public inconvenience would be caused by holding them to be mandatory, or if the court is for any reason disinclined to interfere with the set or decision that is impugned,"

Section 27A of the Act, which was incorporated in the Act by Act No. 26 of 1965 confers extraordinary powers on the State Government. It enables the State Government to remove the executive or governing bodies of Societies

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registered under the Act and appoint administrators, though for a temporary period. The Registrar is conferred with powers to probe into the affairs of the societies and to make a report to the Government. When the Government removes a Managing Committee and appoints an Administrator it purports to have done so in public interest. Consequences of such action particularly on the Managing Committee or office bearers of such a Society are far reaching. Some times it may even entail actions in Courts of law both civil and criminal-against them. Therefore, the law has provided that the Society concerned should be communicated with the result of the enquiry. **This is evidently with the intention to provide the office bearers of the Society with a further opportunity of making representations either with the Registrar or the Government, as the case may be, on the adverse remarks, if any, found in the report before they proceed to take further action against the Society. Therefore, the aforesaid provisions are not merely directory, and they are, in my opinion, mandatory.**

6.58. By relying on **Krishnamurthy's** case, learned Advocate General would submit that the statutory scheme must be examined as a whole to determine whether a procedural requirement is mandatory or directory. According to him, this Court, in **Krishnamurthy**, has specifically held that the requirements contained in Section 25(2)(c)(iii) and Rule 8(5) are mandatory.

6.59. Learned Advocate General would further submit that the decision recognises the extraordinary nature of the power conferred upon the State Government under Section 27A of the Act. The provision enables the State Government, for a temporary period, to remove the executive or



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governing body of a Society and appoint an Administrator. According to him, such power is exercised in public interest.

6.60. Learned Advocate General would accordingly contend that the decision in Krishnamurthy does not invalidate the exercise of power under Section 27A; rather, it underscores the importance of compliance with the statutory procedure, which, according to him, has been duly followed in the present case.

6.61. He also relies on the decision of this Court in ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society vs. District Registrar (Deputy Commissioner), Kolar***,⁹ more particularly para 6 and 10 thereof, which are 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

⁹ 1984 SCC Online Kar. 122



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doubt, the Registrar has no power under S. 27A(1) of the Act to appoint an Administrator for a Society registered 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 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.

10. Since the power to appoint an Administrator under S. 27A(1) of the Act is exercisable by the State Government and the scope of the said provision has been considered in this decision, a copy of the order be also communicated to the State Government.

6.62. By relying on ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society's*** case, learned Advocate General would submit that the grounds specified in clauses (a) and (b) of Section 27A(1) are not exhaustive and that the State Government is empowered to appoint an

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Administrator under clause (c) on the basis of a report made by the Registrar or otherwise, provided that, upon enquiry, it is satisfied that such appointment is necessary in public interest.

6.63. He would further submit that, while the Registrar has no power to appoint an Administrator under Section 27A(1), the Registrar is competent to conduct the necessary proceedings and submit a report or recommendation to the State Government for consideration. According to the learned Advocate General, issuance of a notice by the Registrar calling upon the Society to show cause against the proposed action is therefore not beyond his statutory competence.

6.64. Learned Advocate General would emphasise that the report or recommendation of the Registrar does not, by itself, result in the appointment of an Administrator. The ultimate power under Section 27A(1) rests with the State Government, which is required to consider the material placed before it and, upon



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enquiry, satisfy itself that appointment of an Administrator is necessary in public interest.

6.65. He would submit that the decision in ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society*** also recognises that an opportunity afforded by the Registrar before making his report does not dispense with the requirement of an independent enquiry and opportunity by the State Government. According to the learned Advocate General, the statutory scheme thus contemplates consideration at two stages, the proceedings before the Registrar culminating in his report and the subsequent consideration by the State Government before exercising the power under Section 27A(1)(c).

6.66. Learned Advocate General would therefore submit that the proceedings in the present case have to be examined in the light of this statutory scheme. According to him, the Registrar conducted the enquiry and submitted the necessary report and recommendation, following which the State Government

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independently considered the material and initiated proceedings under Section 27A(1)(c).

6.67. He would accordingly contend that the mere fact that the proceedings before the Registrar preceded the action of the State Government does not render the subsequent exercise of power under Section 27A(1)(c) invalid. The power to appoint the Administrator remained with the State Government, which, according to the learned Advocate General, exercised that power only after considering the material before it and being satisfied that such appointment was necessary in public interest.

6.68. His submission is that multiple opportunities had been provided to the petitioner during the course of enquiry. The enquiry was adjourned on 21.07.2025, 31.07.2025, 04.08.2025, 11.08.2025, 18.08.2025 and 22.08.2025 providing that many opportunities to the petitioner and it is only thereafter that the report was submitted on 10/11.09.2025. His submission is that principles of natural justice have been more than adequately followed and complied with by the Enquiry Officer.

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- 6.69. Insofar as the submission made by Sri.Jaykumar S. Patil., learned Senior Counsel as undue haste, he submits that the proceedings took more than six months and as such it cannot be said to be undue haste.
- 6.70. He submits that the statutory procedure under Section 27A of the KSR Act has been meticulously followed. There is no violation of any particular provision.
- 6.71. He also relies on the decision of this Court in ***Amiya Vilas Swami v. Shankha Brita Das***,¹⁰ more particularly para 34 thereof, which is reproduced hereunder for easy reference;

34. Reading of provisions of Section 25 shows that, the Registrar can hold an enquiry and under Section 25, sub-section (2), clause (c), sub-clause (iii), he can communicate the result of the enquiry to the society concerned. Section is silent as to what happens to the report, or whether the Registrar can take further decision on the basis of enquiry. If a society is to be communicated with the result of the enquiry, whether such a society is bound by the report or whether the society in pursuance of the said report could take action, all that is provided is only enquiry and submitting of report. Under Section 27-A of the Act, the Government can appoint an Administrator, if the society fails to hold an election even after expiry of the term of the governing body and if there is long pendency of litigation or is not able to hold the annual general meeting, in such circumstances, the power is conferred on the State Government to appoint Administrator. This is again the

¹⁰ 2007 SCC Online Kar. 432



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discretion of the State Government. It is not mandatory for the State Government to appoint Administrator based on report or based on information. *The appointment of an Administrator will not resolve the inter se dispute between two groups claiming to constitute valid governing body or valid general body. In this case, both the groups are claiming that they are in the management or they are in the governing body. Provisions of Section 25 or 27-A do not provide for power to adjudicate, as to whether 'A' group is in governing body or 'B' group is in governing body.*

- 6.72. By relying on **Amiya Vilas Swami's** case, learned Advocate General would submit that the statutory scheme under Sections 25 and 27A of the Act has been duly followed in the present case. He would submit that Section 25 contemplates an enquiry by the Registrar and communication of the result of such enquiry to the Society, while the ultimate power to appoint an Administrator under Section 27A is vested in the State Government.
- 6.73. Learned Advocate General would submit that the State Government has not treated the report of the Registrar as automatically resulting in appointment of an Administrator. The enquiry was conducted by the competent authority, the material gathered during the enquiry was placed before the State Government and the report and

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recommendation were considered by the Government before it exercised the power under Section 27A(1)(c).

6.74. He would further submit that, in accordance with the principle recognised in ***Amiya Vilas Swami***, the State Government independently considered whether the circumstances warranted appointment of an Administrator in public interest. The petitioner was issued a notice dated 15.09.2025 under Section 27A(1)(c), calling upon him to show cause against the proposed appointment, and his response and request for further time were considered before the Government proceeded to take a decision.

6.75. Learned Advocate General would therefore contend that the requirement recognised by this Court, that the State Government must itself consider the matter and be satisfied that appointment of an Administrator is necessary in public interest, stands fulfilled in the present case. The decision to appoint the Administrator was taken by the State Government upon consideration of the enquiry report, the

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recommendation of the competent authorities and the material available on record.

6.76. He would submit that ***Amiya Vilas Swami*** further makes it clear that appointment of an Administrator under Section 27A is a matter of discretion for the State Government and is not an automatic consequence of an enquiry report. According to the learned Advocate General, that discretion was exercised in the present case after following the statutory process and upon the State Government forming the requisite satisfaction under Section 27A(1)(c).

6.77. Learned Advocate General would accordingly submit that the procedure contemplated under Sections 25 and 27A, as explained by this Court in ***Amiya Vilas Swami***, was followed in its proper sequence: the enquiry was undertaken, the result thereof was considered, the matter was placed before the State Government, an opportunity was afforded to the Society at the stage contemplated under Section 27A, and the State Government thereafter exercised its statutory discretion to appoint the Administrator in public interest.

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6.78. He would therefore submit that the action of the State Government is in conformity with the statutory scheme and the principles laid down in ***Amiya Vilas Swami***, and that the challenge to the appointment of the Administrator on the ground of non-compliance with the procedure is without merit.

6.79. Learned Advocate General also relies on the decision of the Hon'ble Apex Court in ***Somiya Gurjar v. State of Rajasthan***,¹¹ more particularly para 39 to 41 thereof, which are reproduced hereunder for easy reference;

39. *Learned Advocate General submits that "undue haste" cannot be made a ground for exercising the power of the judicial review. To buttress his submissions, he has placed reliance on Chairman & MD, BPL Ltd. v. S.P. Gururaja : (2003) 8 SCC 567 wherein it was held as under:*

*"Undue haste also is a matter which by itself would not have been a ground for exercise of power of judicial review unless it is held to be malafide. **What is necessary in such matters is not the time taken for allotment but the manner in which the action had been taken.** The court, it is trite, is not concerned with the merit of the decision but the decision making process. In absence of any finding that any legal malice was committed, the Impugned allotment of land could not have been interfered with. What was only necessary to, be seen was as to whether there had been a fair play in action.*

The question as to whether any undue haste has been shown in taking an administrative decision is essentially a question of fact. The States had devolved a policy of Single Window System with a view to get rid of red-tapism

¹¹ (2021) SCC OnLine Raj 713



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generally prevailing in the bureaucracy. A decision which has been taken after due deliberations and upon due application of mind cannot be held to be suffering from malice in law on the ground that there had been undue haste on the part of the State and the Board."

41. *The contention of learned counsel for the petitioner that the entire enquiry was conducted in hot haste on Saturday and Sunday during Pandemic and that the enquiry was not initiated against her, cannot be made a ground for setting aside the order of suspension more particularly because in the complaint also, there is a specific allegation against the petitioner of using indecent language against the Commissioner and the same is reflected in the FIR filed by the Commissioner. In the evidence given before the Enquiry Officer, the Commissioner has stated that the petitioner has called the Corporators and that he informed the petitioner that he has to attend a meeting with regard to Pandemic, summoned by the Additional Chief Secretary but, he was not permitted to leave the chamber. He has levelled specific allegation against the petitioner and has also alleged that his personal staff and gunman were also not permitted to enter into the chamber to save him and that it was all pre-planned by the petitioner. **The order of suspension has been passed after considering the preliminary enquiry report and after due application of mind, hence, the same cannot be held to be suffering from malice in law on the ground that there has been undue haste on the part of the State.** The judgment Chairman & MD, BPL Ltd. (supra) would apply to the facts of this case, hence, the objection with regard to undue haste in passing of the suspension order cannot be sustained*

6.80. By relying on **Somiya Gurjar's** case, Learned Advocate General submits that the mere allegation of undue haste, by itself, cannot be a ground for invoking judicial review of an administrative decision. What is required to be examined is the manner in which the decision

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was taken, and not merely the time within which it was taken.

6.81. He would submit that, as held in ***Somiya Gurjar***, where the decision is taken after due consideration of the material and upon application of mind, an allegation of undue haste cannot, by itself, establish malice in law or render the decision-making process invalid. The relevant consideration is whether there was fair play in action.

6.82. Learned Advocate General would contend that the present case has to be examined on the same principle. The impugned order was not passed mechanically or without consideration of the material. According to him, the State Government had before it the complaints, the proceedings conducted by the competent authorities, the enquiry report, the recommendation of the concerned authorities and the material furnished by the Society before exercising the power under Section 27A(1)(c).

6.83. He would further submit that the petitioner was issued notice under Section 27A(1)(c) and was



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afforded an opportunity to place his objections before the State Government. The request for further time was considered by the competent authority, and thereafter the State Government proceeded to take a decision on the material available before it.

6.84. Learned Advocate General would therefore submit that the sequence of events cannot be characterised as an instance of action taken without application of mind merely because the decision was taken within a comparatively short period. According to him, the material available on record demonstrates that the authorities had already undertaken the statutory enquiry and placed the relevant material before the State Government.

6.85. He would submit that there is also no material to establish that the State Government acted with any mala fide intention or for any purpose foreign to the statute. On the contrary, according to the learned Advocate General, the decision was taken after considering the material gathered during the enquiry and upon

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the State Government forming the requisite satisfaction under Section 27A(1)(c).

6.86. Learned Advocate General would accordingly contend that the allegation of undue haste cannot, in the absence of mala fides or want of fair play in the decision-making process, invalidate the impugned order. The principle laid down in ***Somiya Gurjar***, according to him, squarely supports the State's submission that the legality of the action must be tested by examining the decision-making process and the application of mind, and not merely by the time taken to arrive at the decision.

6.87. Learned Advocate General relies on the decision of this Court in ***K.Shivanna v. State of Karnataka***,¹² more particularly para 11.8 thereof, which is reproduced hereunder for easy reference;

11.8 *The explanatory note regarding Amending Act 65 of 1976 is hereunder reproduced for easy reference:*

"Amending Act 65 of 1976:-- When general body meeting is not or cannot be held and a new governing body is not or cannot be elected, the affairs of a society constituted under the Karnataka Societies Registration Act, 1960 will go into stalemate. **Where the Society is, for**

¹² WP No.33814 of 2025 dt.28.11.2025



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example one which has been given large Government aid by way of land or cash, or is running big educational institutions, a stalemate in the top management body would cause much hardship or harm to many and would affect public interest very considerably. When such a stalemate arises, there is no remedy in the existing Karnataka Societies Registration Act, 1960; there is no provision in the Karnataka Societies Registration Act for the appointment of an Administrator to temporarily manage the affairs of such a Society until a valid election is held and a new governing body takes charge.

It was therefore considered necessary to amend the Karnataka Societies Registration Act, 1960 to provide of an administrator in the above mentioned situation. **Provision is made in general terms that where any society has not held or is unable to hold the annual general body meeting or where the terms of office has been expired and a new governing body has not been constituted or where the State consider it necessary in public interest so to do, an Administrator may be appointed for a short period. It is further provided that the Administrator should take steps to convene the general body meeting and hold elections for the constitution of the new governing Body before his term expires. In other words the whole thing is a shop-gap arrangement.** Hence the Ordinance was promulgated by insertion of new Section 27-A after section 27 of the Karnataka Societies Registration Act, 1960."

6.88. By relying on **K.Shivanna's** case, Learned Advocate General submits that Section 27A was introduced to meet situations where the affairs of a Society reach a stalemate and the Society is unable to function effectively through its existing governing body. He would submit that such a situation assumes greater significance where the Society has received substantial

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Government assistance or its activities have a wider public impact.

6.89. Learned Advocate General would submit that the legislative intent behind Section 27A is to provide a temporary mechanism to ensure that the affairs of the Society do not come to a standstill and that its functioning is not adversely affected during the period in which a valid governing body is constituted. According to him, the provision was introduced recognising that a prolonged stalemate in the management of a Society may cause hardship and affect public interest.

6.90. He would further submit that the appointment of an Administrator under Section 27A is, by its very nature, temporary and transitional. The Administrator is not intended to permanently replace the elected governing body, but to manage the affairs of the Society for the limited period contemplated under the statute and to take necessary steps for convening the general body meeting and conducting elections for constitution of a new governing body.

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6.91. Learned Advocate General would therefore submit that the expression "public interest" occurring in Section 27A has to be understood in the context of the legislative purpose for which the provision was introduced. Where the continued functioning of the existing management results in a situation affecting the proper administration of the Society, the provision enables the State Government to make a temporary arrangement so that the Society continues to function and the process of constituting a valid governing body can be completed.

6.92. Applying the aforesaid principle to the present case, learned Advocate General would submit that the appointment of the Administrator was made as a temporary measure and was not intended to confer any permanent administrative authority upon the Administrator. According to him, the Administrator was appointed to ensure continuity in the administration of the Society and to facilitate completion of the enquiry proceedings.

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- 6.93. Learned Advocate General would further submit that the subsequent continuation of the Administrator also has to be viewed in the same context. According to him, the extensions were intended to enable the statutory proceedings to be completed and the elections to be conducted in an orderly manner, rather than to indefinitely displace the elected management.
- 6.94. He would accordingly submit that the action of the State Government is consistent with the legislative purpose of Section 27A as explained in ***K. Shivanna***. The appointment of the Administrator, according to him, was a temporary and stop-gap arrangement undertaken in public interest to prevent disruption in the functioning of the Society and to facilitate the constitution of a duly elected governing body.
- 6.95. Learned Advocate General also relies on the decision of this Court in ***Islamiah Institute of Technology Employees Union & Ors., v. The state of Karnataka, Rep by its Commissioner and Secretary, Department***

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of Co-operation, Bangalore & Ors,¹³ more particularly para 9 thereof, which is reproduced hereunder for easy reference;

*9. Suo motu proceedings means, a proceedings initiated by the Registrar on his own. He must be satisfied as to the existence of a sufficient ground for initiating such proceedings. **That satisfaction should be of that of the Registrar. Neither this Court nor anybody can substitute that satisfaction.** In other words, he cannot be compelled to adopt a particular reasoning which he is not inclined to adopt. No person can be said to have a legal right to compel a authority to initiate suo motu proceedings. When once a person has no legal right to compel the Registrar to initiate suo motu proceedings, he cannot agitate that non-existing right, such right being a condition precedent to compel this Court to issue a writ of mandamus. Though, if such suo moto proceedings are initiated by the authorities, this Court would not be inclined to interfere with the same and this Court cannot by a writ of mandamus compel an authority to initiate suo moto enquiry.*

6.96. By relying on **Islamiah Institute of Technology Employees Union's** case, Learned Advocate General submits that suo motu proceedings are proceedings initiated by the Registrar on his own satisfaction upon finding sufficient grounds for doing so. The satisfaction required for initiating such proceedings is that of the Registrar and cannot be substituted by the Court or by any other person.

¹³ 2003 SCC Online Kar 158



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- 6.97. He would further submit that no person has a legal right to compel the Registrar to initiate suo motu proceedings or to dictate the manner in which such satisfaction is to be formed. Consequently, according to the learned Advocate General, the absence of a proceeding initiated in a particular manner cannot, by itself, furnish a ground to challenge the subsequent statutory action.
- 6.98. Learned Advocate General would submit that, in the present case, the Registrar, upon consideration of the complaints and the material placed before him, independently applied his mind and initiated the proceedings under Section 25 of the Act. According to him, the proceedings were therefore suo motu proceedings in the eye of law, irrespective of the fact that the Registrar had received complaints or information concerning the affairs of the Society.
- 6.99. He would contend that the receipt of complaints or information does not, by itself, take away the suo motu character of the proceedings, provided the Registrar independently considers



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the material and forms his own satisfaction that an enquiry is warranted. According to the learned Advocate General, that requirement was duly satisfied in the present case.

6.100. Learned Advocate General would therefore submit that the petitioner cannot contend that the Registrar lacked jurisdiction merely because the proceedings were preceded by complaints. What is material, according to him, is that the Registrar did not act at the dictate of the complainants but independently considered the material and exercised the statutory power vested in him. He would accordingly submit that the principle laid down in ***Islamiah Institute of Technology Employees Union*** supports the validity of the proceedings initiated by the Registrar and that the petitioner has no enforceable right to question the initiation of the suo motu enquiry merely on the ground that complaints or information had preceded it.

6.101. Learned Advocate General would submit that Section 27A of the KSR Act itself recognises circumstances in which the State Government

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may, in public interest, temporarily displace the existing management and appoint an Administrator. Therefore, the fact that the petitioner is an elected office-bearer cannot, by itself, defeat the exercise of the statutory power. The question is whether the conditions for exercise of that power were satisfied, and according to the learned Advocate General, they were.

6.102. Learned Advocate General would further submit that the allegation of malice in law or colourable exercise of power is wholly unsupported by the record. The State Government did not exercise the power for any purpose foreign to Section 27A. The action was preceded by complaints, notices, enquiry under Section 25, examination of the Society's records, submission of the enquiry report and recommendation of the competent authorities, followed by proceedings under Section 27A.

6.103. According to the learned Advocate General, the material before the authorities disclosed serious allegations concerning the financial and administrative affairs of the Society. The



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Society receives financial assistance from the Government and has activities extending throughout the State. The State Government was therefore entitled to consider the matter from the standpoint of proper administration, accountability and public interest.

6.104. Learned Advocate General would therefore submit that the reliance placed on **Ravi Yashwant Bhoir** does not advance the petitioner's case. The State does not dispute the requirement of strict compliance with the statutory safeguards; its case is that such safeguards were in fact followed before the power under Section 27A(1)(c) was exercised.

6.105. As regards **State of Madhya Pradesh v. Sanjay Nagayach**, learned Advocate General would submit that the decision has to be understood in the factual and statutory context in which it was rendered. The Hon'ble Supreme Court was dealing with an illegal order of supersession, where the material on record disclosed serious procedural and jurisdictional deficiencies. According to him, the decision cannot be read as laying down an absolute

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prohibition against temporary displacement of an elected management under a statutory provision which expressly authorises the State Government to appoint an Administrator in public interest.

6.106. He would submit that Section 27A itself contemplates appointment of an Administrator notwithstanding the existence of an elected governing body. Therefore, the mere fact that the petitioner and other members were elected office-bearers does not render the exercise of Section 27A impermissible. What is required is satisfaction of the statutory conditions, which, according to the learned Advocate General, was duly recorded and acted upon in the present case.

6.107. Learned Advocate General would further submit that the present case cannot be equated with a case where an elected body was removed without enquiry or on extraneous considerations. Here, the proceedings extended over a period of time, the authorities examined the allegations and records, and the petitioner was given opportunities to respond. The State

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Government thereafter considered the material and appointed the Administrator for a limited period. The temporary nature of the arrangement is itself consistent with the scheme of Section 27A.

6.108. He would submit that the legislative purpose of Section 27A, as noticed by this Court in ***K. Shivanna v. State of Karnataka***, is also relevant. The provision was introduced to meet situations where the functioning of a Society is affected and a temporary arrangement is required in public interest until the Society is able to constitute a valid governing body. According to the learned Advocate General, the appointment in the present case was made for precisely such an interim purpose and was not intended to permanently deprive the elected body of its right to govern the Society.

6.109. Insofar as ***Viswanathaiah Gangadhariah v. Joint Registrar of Co-operative Societies*** is concerned, learned Advocate General would submit that the decision principally concerns the locus of an elected member whose tenure is affected by an order of supersession. He would

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not dispute that an office-bearer directly affected by the impugned order is entitled to invoke the jurisdiction of this Court. However, according to him, maintainability of the writ petition and the legality of the impugned order are two distinct questions.

6.110. Learned Advocate General would therefore submit that even assuming that the petitioner is an aggrieved person entitled to maintain the petition, that does not establish that the order appointing the Administrator is illegal. The decision in **Viswanathaiah Gangadhariah** does not dispense with the requirement of establishing illegality in the impugned action.

6.111. Dealing with the reliance placed upon **Zenit Mataplast P. Ltd. v. State of Maharashtra & Ors.**, learned Advocate General would submit that there is no material in the present case to establish that the State Government acted with bias, favouritism, mala fides or for any collateral purpose. The allegations of haste are based principally on the chronology of the proceedings and not on any material

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demonstrating that the statutory power was exercised for a purpose foreign to Section 27A.

6.112. He would submit that the decision in ***Zenit Mataplast*** itself cannot be understood to mean that every decision taken within a short period is arbitrary. The question is whether the decision-making process disclosed consideration of the relevant material and application of mind. According to the learned Advocate General, the present record demonstrates that the authorities had before them the complaints, the enquiry proceedings, the material collected during the enquiry, the enquiry report, the recommendation of the competent authority and the petitioner's response before the State Government proceeded to take a decision.

6.113. Learned Advocate General would further submit that the allegation of undue haste has to be considered in the context of the proceedings as a whole. The proceedings did not commence with the order appointing the Administrator. They commenced with complaints and notices, followed by proceedings under Section 25,

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examination of records and consideration of the material gathered during the enquiry. The Government Order dated 30.09.2025 was therefore the culmination of proceedings already undertaken and not an isolated or precipitous decision.

6.114. He would submit that the principle in ***Somiya Gurjar v. State of Rajasthan*** directly supports the State's contention in this regard. Mere allegation of undue haste is not sufficient to invalidate administrative action. What is relevant is the manner in which the decision was taken and whether there was fair play and due application of mind. According to the learned Advocate General, the material on record establishes that the decision was taken after consideration of the relevant material and cannot be characterised as arbitrary merely because the State Government acted within a limited period.

6.115. Learned Advocate General would submit that there is equally no basis for invoking the principle of legal malice recognised in ***Kalabharati Advertising v. Hemant***

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Vimalnath Narichania. The State Government exercised the power for the very purpose contemplated by Section 27A(1)(c), namely, to secure proper administration of the Society in public interest. There is no material to show that the Administrator was appointed for securing documents alone or for any other unauthorised purpose.

6.116. He would specifically dispute the contention that the real object of appointing the Administrator was merely to secure the Society's records or facilitate the enquiry. According to the learned Advocate General, the appointment was necessitated by the overall circumstances emerging from the enquiry and the continued allegations concerning the administration and finances of the Society. The powers available to the Enquiry Officer under Section 25 for examination or securing records do not, according to him, exhaust the circumstances in which the State Government may exercise its independent power under Section 27A.

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6.117. Learned Advocate General would further submit that the reliance upon ***S.L. Kapoor v. Jagmohan*** is also misplaced insofar as the petitioner seeks to contend that there was no meaningful opportunity. He would submit that the petitioner was issued a specific notice dated 15.09.2025 under Section 27A(1)(c), calling upon him to explain why an Administrator should not be appointed. The petitioner sought further time, and his request was considered. Thereafter, the Secretary of the Society appeared before the competent authority and sought further time. The Government proceeded only after considering the material placed before it.

6.118. According to the learned Advocate General, the petitioner cannot contend that he was unaware of the proposed action. The very notice under Section 27A informed him of the proposed appointment of an Administrator and gave him an opportunity to respond. The statutory requirement of an opportunity to meet the proposed action was therefore satisfied.

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6.119. He would further submit that the petitioner's participation in the enquiry is also borne out from the record, including the note sheet maintained by the Enquiry Officer bearing the petitioner's signature. According to the learned Advocate General, this demonstrates that the petitioner was not excluded from the proceedings or denied an opportunity to place his case.

6.120. Learned Advocate General would contend that the petitioner's reliance on ***S.L. Kapoor*** cannot be divorced from the facts of that case. In the present case, unlike a situation where the affected body is unaware of the proposed action, the petitioner was specifically put on notice of the proposed exercise of power under Section 27A and was given an opportunity to respond.

6.121. Learned Advocate General would also submit that the State Government was not required to accept the petitioner's request for an indefinite or further period of time merely because such request was made. According to him, the request for time was considered in the context

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of the proceedings already undertaken and the material available before the authorities. The decision to proceed thereafter cannot, by itself, be treated as denial of natural justice.

6.122. Insofar as ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R) v. State of Karnataka*** is concerned, learned Advocate General would submit that the decision itself recognises that an enquiry may be initiated by the Registrar on his own motion even where the Registrar has initially received a complaint from a third party, provided the Registrar independently considers the complaint and forms his own opinion that an enquiry is warranted.

6.123. According to the learned Advocate General, that is precisely what occurred in the present case. The receipt of complaints was followed by consideration of the allegations by the Registrar, issuance of notices to the Society and, thereafter, initiation of the statutory enquiry. The proceedings were therefore not initiated mechanically at the dictate of the complainants.

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6.124. He would submit that the petitioner's argument incorrectly equates the source of information with the source of statutory satisfaction. The fact that complaints were received does not prevent the Registrar from thereafter independently applying his mind and initiating proceedings suo motu. What matters is the independent satisfaction of the Registrar, and according to the learned Advocate General, the record establishes such application of mind.

6.125. Learned Advocate General would further rely upon ***Islamiah Institute of Technology Employees Union v. State of Karnataka*** to submit that no person has a legal right to compel the Registrar to initiate suo motu proceedings, nor can the manner in which the Registrar forms his satisfaction be dictated by a complainant or by the Court. According to him, once the Registrar independently considered the complaints and formed the requisite satisfaction, the initiation of the enquiry could not be challenged merely because complaints preceded it.

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6.126. Coming to **Krishnamurthy v. State of Karnataka**, learned Advocate General would submit that the decision emphasises the mandatory nature of the statutory safeguards under Section 25 and Rule 8(5). He would submit that the State has complied with those safeguards. The enquiry was conducted, the material and result of the enquiry were communicated in accordance with the statutory scheme, and the matter was thereafter placed before the competent authorities for consideration under Section 27A.

6.127. Learned Advocate General would submit that **Krishnamurthy** therefore does not support the contention that every alleged procedural irregularity automatically invalidates action under Section 27A. On the contrary, the decision requires the statutory procedure to be followed, and according to him, the record demonstrates compliance with the procedure in the present case.

6.128. He would further rely upon **Bharata Ratna Mokshgundam Viswaawaraiah Education Society v. District Registrar (Deputy**

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Commissioner), Kolar to submit that the power to appoint an Administrator under Section 27A(1) is vested in the State Government and that the Registrar's role is to conduct the relevant proceedings and submit a report. The State Government is thereafter required to independently consider the matter and satisfy itself that appointment of an Administrator is necessary in public interest.

6.129. Learned Advocate General would submit that this requirement was fully complied with. The Registrar conducted the enquiry and submitted the report and recommendation; the matter was thereafter placed before the State Government; the petitioner was issued notice under Section 27A(1)(c); his response and request for time were considered; and the State Government thereafter formed the requisite opinion and passed the order dated 30.09.2025 appointing Smt. Gayathri as Administrator for a limited period.

6.130. According to the learned Advocate General, the decision in **Amiya Vilas Swami v. Shankha Brita Das** further supports the State's case.

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The decision makes clear that an enquiry report does not automatically compel the State Government to appoint an Administrator. The ultimate discretion remains with the State Government. In the present case, the State Government exercised that discretion independently after considering the enquiry report, recommendation and other material placed before it.

6.131. He would submit that the statutory scheme recognised in ***Amiya Vilas Swami*** was followed in its proper sequence: the enquiry was conducted by the competent authority; the result of the enquiry was dealt with in accordance with the statutory scheme; the report and recommendation were placed before the State Government; an opportunity was afforded to the Society at the Section 27A stage; and the State Government thereafter independently decided that appointment of an Administrator was necessary in public interest.

6.132. Learned Advocate General would therefore submit that the authorities relied upon by learned Senior Counsel, when properly

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understood, do not lay down that an elected office-bearer can never be displaced by an Administrator. They lay down the requirement of statutory compliance, fairness, application of mind and exercise of power for the purpose for which it is conferred. According to him, each of these requirements stands satisfied in the present case.

6.133. He would further submit that the petitioner's challenge proceeds on the assumption that the appointment of the Administrator was a punitive measure directed against him personally. The State's case, however, is that the appointment was not intended to punish the petitioner. It was a temporary administrative measure adopted in public interest while the serious allegations concerning the Society's affairs were being examined.

6.134. Learned Advocate General would submit that the petitioner's continued non-cooperation was also a relevant circumstance considered by the State Government. According to him, despite repeated notices and opportunities, complete replies to all the charges were not furnished,

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and even after the appointment of the Administrator, replies were furnished only in respect of nine charges. He would therefore contend that the allegation of non-cooperation cannot be brushed aside as a mere procedural lapse.

6.135. He would further submit that the conduct of the petitioner has to be considered in the context of his position as President of the Society. According to the learned Advocate General, an office-bearer responsible for the administration of a Society receiving Government financial assistance is expected to cooperate with proceedings validly initiated by the statutory authorities and to furnish the information and records required for examination of serious allegations.

6.136. Learned Advocate General would therefore submit that the authorities were not acting upon a bare complaint or unverified allegation. The proceedings involved examination of the Society's records and financial material, consideration of the responses furnished, preparation of the enquiry report and



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recommendation by the competent authorities, followed by independent consideration by the State Government. The allegation that the Administrator was appointed without material or without application of mind is therefore, according to him, contrary to the record.

6.137. He would submit that the State Government's satisfaction under Section 27A(1)(c) must be assessed on the basis of the material available to it at the relevant time. The statute does not require the Government to finally adjudicate upon every allegation before taking a temporary administrative measure in public interest. According to the learned Advocate General, the purpose of the provision is to enable the State Government to ensure proper administration where the circumstances warrant such intervention.

6.138. Learned Advocate General would accordingly submit that the decisions relied upon by learned Senior Counsel, read as a whole, reinforce rather than undermine the requirement that the statutory authorities must act upon relevant material, follow the

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prescribed procedure and exercise the power for a lawful purpose. The State has, according to him, fulfilled each of these requirements.

6.139. He would therefore submit that there is no basis to characterise the impugned action as arbitrary, mala fide, colourable or contrary to natural justice. The appointment of the Administrator was preceded by the statutory enquiry and consideration of the material, was made after affording an opportunity to the Society at the Section 27A stage and was based on the State Government's satisfaction that such appointment was necessary in public interest.

6.140. Learned Advocate General would finally submit that the subsequent continuation of the Administrator also cannot be viewed in isolation. According to him, the extensions were intended to enable completion of the necessary proceedings and the conduct of elections in an orderly manner and were not an attempt to permanently displace the elected management.

6.141. On the aforesaid basis, learned Advocate General would submit that none of the

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judgments relied upon by learned Senior Counsel warrants interference with the impugned order. The statutory procedure was followed, the State Government acted upon relevant material, the petitioner was afforded the opportunity contemplated under the statutory scheme, and the power under Section 27A(1)(c) was exercised for the very purpose for which it was conferred. He would therefore submit that the challenge to the appointment and subsequent continuation of the Administrator is liable to be rejected.

6.142. On the above grounds, he submits that the writ petition is required to be dismissed.

7. Prof. Ravi Verma Kumar, learned Senior Counsel appearing for Respondent No.5-Kannada Sahitya Parishattu submits that;

7.1. The Kannada Sahitya Parishattu was constituted on 05.05.1915 and has been presided over by illustrious litterateurs like Dr. Masti Venkatesha Iyengar, Sri B.M. Srikantaiah and Dr. Hampa Nagarajaiah, amongst others.

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- 7.2. His submission is that all the earlier Presidents have had a high reputation in the Society. The Kannada Sahitya Parishattu was established in 1915 for the promotion and preservation of Kannada language, literature, art, folklore and culture, and has over the years been associated with eminent figures.
- 7.3. He submits that the Kannada Sahitya Parishattu is involved in the promotion and preservation of the Kannada language, literature, art, folklore and culture, and undertakes literary and cultural activities, including conferences, lectures, competitions, publications and other programmes.
- 7.4. Insofar as the present matter is concerned, he submits at the outset that the writ petition has spent itself inasmuch as the very first order appointing an Administrator for a particular period has lapsed. Consequently, it is only the extension of the appointment of Administrator which is being challenged. His submission is that once an Administrator is appointed, the appointment could be extended up to 4 years.

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7.5. He further submits that once an Administrator is appointed, the only two manners in which the said appointment would come to an end are, Firstly, if a Court of law were to set aside the appointment of Administrator. Secondly, in terms of Sub-section (4) of Section 27A of KSR Act, if elections to the Society are held by the Administrator.

7.6. He also submits that during the pendency of the above matter by order dated 10.06.2026, the Petitioner has been placed under suspension from his Primary Membership of the Kannada Sahitya Parishattu which is subject to the outcome of writ petition No.29086 of 2025. The said writ petition having been dismissed as infructuous on 19.06.2026, the order of suspension has become final. As such, the Petitioner cannot maintain the present petition either as a member or as a President, since he is neither. Unless the suspension of his Membership were to be revoked, he cannot maintain any proceeding before this Court, is his submission.

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7.7. He submits that the Petitioner has no continuing or subsisting *locus standi* to question the legality or validity of the impugned order appointing the Administrator. He submits that once an Administrator has been appointed, he takes over the functioning of the Society and the governing body of the Society shall cease to exist and function as such and this he submits is irreversible process in Scheme of the Act and Rules and in terms of Sub-section (4) of Section 27A of the KSR Act the Administration would come to an end only after elections are held, is his submission.

7.8. As regards the Charges which have been framed, he submits as under;

7.8.1. Charge No.1 relates to the amendments made to the Memorandum of Association and the Rules and Regulations of the Parishattu under Sections 9 and 10 of the KSR Act. The Inquiry Officer has found that the amendments were made without convening the requisite Special General Body Meeting and in violation of

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the prescribed procedure and has held the charge to be proved.

7.8.2. Charge No.2 relates to the issuance of notices by the President to elected Office Bearers and District Office Bearers contrary to the Rules and Bye-laws of the Parishattu. The Inquiry Officer has found that the power under Bye-law No.7(8) was exercised unilaterally and in violation of principles of natural justice and has held the charge to be proved.

7.8.3. Charge Nos.3 to 5 relate to the mismanagement and misuse of Government and other grants, grants released to District and Taluk Units, and purchase and sale of vehicles respectively. The Inquiry Officer has held the charges to be proved on the ground of irregularities in utilisation of funds and non-compliance with the prescribed procedure.

7.8.4. Charge No.6 relates to misappropriation and misuse of funds in the construction and renovation of the Society's building.

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The Inquiry Officer, relying upon the report of the Public Works Department, has found irregularities in the execution and measurement of works and has held the charge to be proved.

7.8.5. Charge No.7 relates to misuse of funds in the purchase of computers, installation of CCTV cameras and fire-fighting equipment and printing of books, which charge has been held proved by the Inquiry Officer on the ground of excess payments and resultant financial loss.

7.8.6. Charge No.8 relates to misappropriation of funds in connection with the All India Kannada Literary Conferences held at Haveri and Mandya, which charge has also been held proved.

7.8.7. Charge No.9 relates to non-submission of compliance reports in respect of audit objections raised by the Karnataka State Audit Department and has been held proved by the Inquiry Officer.

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- 7.8.8. Charge No.10 relates to the manner in which resolutions of the Governing Body were recorded in respect of financial transactions and other important decisions, contrary to the Rules and Bye-laws, and has been held proved.
- 7.8.9. Charge No.11 relates to alleged misuse of Society funds for programmes relating to the family members of the President, which charge has not been proved.
- 7.8.10. Charge No.12 relates to misappropriation or misuse of funds in the issuance of identity cards (Smart Cards), which has been held proved on the ground of excess expenditure and non-obtaining of the requisite approvals.
- 7.8.11. Charge No.13 relates to recruitment of staff during the relevant period contrary to the prescribed Rules and Bye-laws and has been held proved by the Inquiry Officer.
- 7.8.12. Charge No.14 relates to foreign tours undertaken by the Society during the

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relevant period and misuse of funds in that regard, which charge has been held proved.

7.8.13. Charge No.15 relates to misuse of the CSR Fund, including the avoidance of the tender process by splitting the works, which charge has been held proved.

7.8.14. Insofar as Charge No.16 is concerned, which relates to the holding of the Annual General Meeting in accordance with Section 11 of the KSR Act, the Inquiry Officer has observed that the matter is subject to the order passed in WP No.20919/2025 and has not recorded any finding thereon.

7.8.15. Charge No.17 relates to submission of the requisite records after the Annual General Meeting under Section 13 of the KSR Act and has not been proved.

7.9. By relying on the above, he submits that the charges have been proved before the Enquiry Officer. The Enquiry Officer having submitted a recommendation accordingly, the said

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recommendation vide report dated 09.01.2026 was accepted by Registrar vide Order dated 12.01.2026 and communicated by the Registrar to the State Government on 14.01.2026.

7.10. The State Government having accepted the said recommendation of the Registrar and having issued a notification appointing an Administrator, the due procedure has been followed by all concerned Authorities and there is no *lacuna* or infirmity in the same requiring this Court to intercede.

7.11. He submits that the Petitioner has committed a series of omissions and commissions of misconduct and has caused huge loss to the Society to an extent of Rs.7,42,88,049/- as regards which, surcharge proceedings are also proposed to be initiated. He makes a categorical submission that the conduct and actions on the part of the Petitioner have caused irreparable damage and loss to the Society. The reputation of the Kannada Sahitya Parishattu has been brought down by the actions on the part of the Petitioner. Though all these aspects have been brought to the

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knowledge of the Petitioner, except for contending that there is alleged violation of principles of natural justice, there is no denial of the allegations nor are any documents placed on record to counter or negate the allegations.

7.12. He submits that most of the averments made by the Petitioner are an abuse of process of the Court. The Petitioner has suppressed material facts and has not approached this Court with clean hands and therefore this Court ought not to exercise any discretionary jurisdiction insofar as the Petitioner is concerned.

7.13. His submission is that even the extension of the tenure of the Administrator has been necessitated on account of the non-cooperation on the part of the Petitioner. The enquiry got prolonged and delayed on account of the same. His submission is that the appointment of the Administrator is perfectly legal and valid, there is no infirmity in the same. The allegations against the Petitioner have been proven during the course of enquiry, an Administrator has been properly appointed

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and on those grounds, he submits that the petition is required to be dismissed.

8. Heard Sri.Jaykumar S.Patil., learned Senior counsel appearing for the petitioner and K. Shashi Kiran Shetty., learned Advocate General for respondents No.1 to 4 and Prof Ravi Varma Kumar, learned Senior counsel appearing for respondent No.5. Perused papers.

9. The points that would arise for consideration are;

(i) Whether the initiation of proceedings under Section 25 of the Karnataka Societies Registration Act, 1960, and the enquiry conducted pursuant thereto are valid in law?

(ii) Whether, on the basis of the material placed before it and the outcome of the enquiry under Section 25, the State Government had the requisite statutory basis to exercise the power under Section 27A(1)(c) of the Act?

(iii) Whether, prior to the appointment of the Administrator, the petitioner was afforded a reasonable and effective opportunity of being heard and whether the material relied upon by the petitioner in response to the notice under Section 27A was duly considered?

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- (iv) Whether the State Government was justified in forming the opinion that appointment of an Administrator was necessary in the public interest within the meaning of Section 27A(1)(c) of the Act?
- (v) Whether the order dated 30.09.2025 appointing the Administrator is vitiated by non-application of mind, arbitrariness, malice in law or exercise of power for a purpose not authorised by Section 27A of the Act?
- (vi) Whether the subsequent orders dated 30.12.2025, 31.03.2026 and 01.06.2026 extending the tenure of the Administrator are independently sustainable in law?
- (vii) What order?

10. This Court answers the above points as follows:

11. **Answer to Point No. (i): Whether the initiation of proceedings under Section 25 of the Karnataka Societies Registration Act, 1960, and the enquiry conducted pursuant thereto are valid in law?**

11.1. Sri. Jaykumar S. Patil, learned Senior Counsel for the petitioner, submitted that the Deputy Registrar issued notices dated 25.04.2025, 12.05.2025 and 10.06.2025 calling upon the petitioner to explain the complaints received regarding the administration of the Society. The

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petitioner submitted replies dated 20.05.2025 and 18.06.2025, stating that the issues would be discussed in the Annual General Body Meeting scheduled for 29.06.2025 and that a detailed explanation would thereafter be furnished. The said meeting was, however, cancelled by order dated 27.06.2025. Thereafter, by order dated 30.06.2025, an enquiry was ordered against the petitioner. Both orders were challenged in W.P.No.20919/2025.

11.2. The proceedings were initiated on the basis of complaints made by certain members. They were not proceedings initiated suo motu by the Registrar. Where an enquiry is sought to be initiated on the basis of a complaint, the statute requires the complaint to be supported by the prescribed number of members. That requirement was not satisfied in the present case.

11.3. Learned Senior Counsel placed reliance on ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R) & Others v. State of Karnataka & Others*** [WP No.201552 of 2023, dated

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09.06.2023], particularly paragraphs 12 and 14. It was submitted that this Court, in the said case, understood Section 25(1) as providing three distinct modes for initiating an enquiry.

11.4. A complaint by a third party does not, by itself, convert the ensuing proceedings into a suo motu enquiry. The Registrar must consider the complaint, apply his independent mind and form an opinion that an enquiry is necessary. According to learned Senior Counsel, the complaints relied upon by the respondents could not, by themselves, constitute a valid basis for a suo motu enquiry unless such independent application of mind was first established.

11.5. It was further submitted that the validity of the subsequent proceedings, including the action taken on the basis of the enquiry, must be examined with reference to the manner in which the enquiry was initiated and whether the requirements of Section 25(1) were satisfied at that stage.

11.6. Learned Senior Counsel also submitted that the interim order dated 11.09.2025 was forwarded

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to the Society only on 16.09.2025. By that time, however, a recommendation for appointment of an Administrator under Section 27A had already been made.

11.7. Sri. K. Shashi Kiran Shetty, learned Advocate General appearing for respondents No.1 to 4, submitted that the proceedings were not initiated abruptly. The Deputy Registrar had received complaints from several members dated 08.04.2025, 24.04.2025, 02.05.2025, 12.05.2025, 26.05.2025 and 07.06.2025. The complaints alleged irregularities in the administration of the Society, arbitrary exercise of power and misuse of Society funds by the President. The Deputy Registrar did not immediately order an enquiry. He first issued preliminary notices dated 25.04.2025, 12.05.2025 and 10.06.2025 and called upon the Society to furnish its explanation.

11.8. Instead of giving a substantive reply, the petitioner repeatedly sought further time. On one occasion, he issued notices to the complainants and stated that he would respond after discussing the allegations with them. It

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was submitted that the notices had been issued by a statutory authority and that the petitioner was required to answer the authority concerned.

11.9. Having regard to the nature of the allegations and the petitioner's failure to furnish a substantive response, the Deputy Registrar, on his own motion, ordered an enquiry under Section 25 by order dated 30.06.2025 and appointed an Enquiry Officer. The order was passed after considering the complaints and the petitioner's response. It was therefore submitted that the order was neither mechanical nor unsupported by an independent application of mind.

11.10. The petitioner had challenged the initiation of the enquiry in W.P.No.20919/2025. The W.A.No.1460/2025 arising therefrom was dismissed on 08.09.2025. Thus, according to the learned Advocate General, the petitioner was aware of the enquiry from its inception.

11.11. The Enquiry Officer issued notice dated 05.07.2025 requiring the petitioner to appear on 21.07.2025. Several sittings were thereafter

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held. It was submitted that the petitioner did not cooperate with the enquiry and did not answer the 17 charges. According to the learned Advocate General, the petitioner was afforded more than adequate opportunity and there was no violation of the principles of natural justice.

11.12. The 17 charges related to the affairs of the Society from 2022-23 onwards. They concerned amendments to the bye-laws and notices issued by the President to the office-bearers. The charges also covered the utilisation of Government grants, grants given to district and taluk units, vehicles, buildings, equipment and printing expenses. They further concerned the accounts relating to the Sahitya Sammelans held at Haveri and Mandya, audit objections, recording of resolutions, expenditure relating to the President's family, identity cards, staff appointments, foreign travel, CSR funds, Annual General Body Meetings and statutory filings. It was submitted that allegations of such a wide nature could not be dealt with merely on the basis of a preliminary explanation and required examination of the relevant records.

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11.13. During the enquiry, the Enquiry Officer examined the audit reports, TDS records, Form-16A and other financial documents. According to the respondents, the material disclosed instances of alleged misuse of funds and other serious irregularities. A report was thereafter submitted through the Deputy Registrar.

11.14. The enquiry report and the recommendation were communicated to the Society in terms of Rule 8(5) of the KSR Rules. The enquiry report was forwarded to the Society on 12.09.2025. It was therefore submitted that the requirements of Section 25 and Rule 8 had been complied with. Reliance was placed on ***Amiya Vilas Swami v. Shankha Brita Das*** [2007 SCC Online Kar. 432], particularly paragraph 34.

11.15. The note sheet maintained by the Enquiry Officer bears the signature of the petitioner. According to the learned Advocate General, this demonstrates that the petitioner participated in the proceedings and was not denied an opportunity of being heard.

11.16. Relying on ***Islamiah Institute of Technology Employees Union & Ors. v. The State of***

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Karnataka, Rep. by its Commissioner and Secretary, Department of Co-operation, Bangalore & Ors. [2003 SCC Online Kar 158], particularly paragraph 9, the learned Advocate General submitted that a suo motu enquiry is founded on the Registrar's own satisfaction. The fact that the Registrar receives a complaint does not, by itself, deprive the proceedings of their suo motu character, provided the Registrar independently considers the material and forms the requisite opinion. What is material is that the Registrar should not act merely at the instance of the complainants.

11.17. Learned Advocate General further submitted that **Lingasugur Taluk Halumata Abhivrudhi Samiti (R)**, particularly paragraph 14, itself recognises that the Registrar may initiate an enquiry on his own motion even after receiving a complaint from a third party, provided that he considers the complaint and forms his own opinion. According to the respondents, that is precisely what was done in the present case. The petitioner, it was submitted, was confusing the source of the information with the source of the statutory satisfaction.

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11.18. Reliance was also placed on ***Krishnamurthy v. State of Karnataka*** [1979 SCC Online Kar 114], particularly paragraph 20, for the proposition that Section 25(2)(c)(iii) and Rule 8(5) are mandatory. The State does not dispute that proposition. Its case, however, is that the mandatory safeguards were complied with in the present case.

11.19. Prof. Ravi Varma Kumar, learned Senior Counsel appearing for the Society, submitted that the Enquiry Officer held charges Nos.1 to 10 and 12 to 15 proved. Charges Nos.11 and 17 were held not proved. No finding was recorded on charge No.16, as the subject matter of that charge was covered by the order passed in W.P.No.20919/2025.

11.20. The enquiry report dated 09.01.2026 was accepted by the Registrar by order dated 12.01.2026 and was forwarded to the State Government on 14.01.2026. It was submitted that the prescribed procedure had been followed by the authorities at every stage.

11.21. According to learned Senior Counsel, the enquiry was delayed because of the petitioner's

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non-cooperation. Apart from alleging violation of the principles of natural justice, the petitioner had neither specifically denied the allegations nor produced documents to answer them.

11.22. At the outset, it is necessary to identify the scope of this point. None of the prayers in the present writ petition seeks quashing of the order dated 30.06.2025 by which the enquiry was ordered. There is also no prayer for quashing the report of the Enquiry Officer. The challenge is directed against the order appointing the Administrator and the three subsequent orders extending his tenure. The petitioner's case, however, is that the appointment of the Administrator rests upon an enquiry which was invalid from its inception. It is therefore necessary to examine how the enquiry was initiated and how it was conducted. The examination is confined to determining whether the foundation on which the subsequent action rests was legally valid.

11.23. The provision which falls for consideration is Section 25(1) of the KSR Act. It reads:

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"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."

11.24. In substance, Section 25(1) provides three distinct modes of initiating an enquiry. The Registrar may initiate an enquiry on his own motion. He is required to do so when an application is made by a majority of the members of the governing body or by not less than one-third of the members of the society. The Registrar may conduct the enquiry himself or authorise another person in writing to conduct it. The enquiry may relate to the constitution, working or financial condition of the society.

11.25. The use of the words "may" and "shall" in the same provision is significant. In the first case, the Registrar has the discretion to initiate an enquiry on his own motion. In the other two cases, the discretion is taken away once the statutory requirement regarding the number of

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applicants is satisfied. The provision therefore creates three separate routes for initiating an enquiry.

11.26. This is also the view taken by this Court in ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R)*** (Paragraph 12). This Court held that Section 25(1) can be divided into three categories. The first is where the "*Registrar on his own motion may institute enquiry*". The second is an enquiry on the application of a majority of the governing body. The third is an enquiry on the application of not less than one-third of the members of the society.

11.27. This answers one part of the petitioner's contention. Learned Senior Counsel submitted that the complaints received by the Deputy Registrar were not supported by the number of members prescribed by the statute. That requirement applies to the second and third modes of initiating an enquiry. It is the requirement which makes it mandatory for the Registrar to act when the requisite number of members makes an application. It does not

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apply where the Registrar initiates an enquiry on his own motion.

11.28. The respondents have not contended that the enquiry was initiated on an application made by a majority of the governing body or by one-third of the members of the society. Their consistent case is that the enquiry was initiated by the Registrar on his own motion. The question, therefore, is not whether the complainants were sufficient in number. The question is whether the Deputy Registrar, in ordering the enquiry, acted on his own motion.

11.29. On this question, ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R)*** (Paragraph 14) provides the relevant test. This Court held that *"Merely because the third party were to submit a complaint, the Registrar cannot initiate an enquiry without application of his mind."* The Court further held that if, upon considering the complaint, the Registrar forms an opinion that an enquiry is necessary and accordingly orders an enquiry, the proceeding *"can only be said to be on his own motion,*

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since there is an independent application of mind by the Registrar”.

11.30. Thus, the mere receipt of a complaint does not prevent the Registrar from exercising his power on his own motion. A complaint may bring certain facts to the notice of the Registrar. What is necessary is that the Registrar should consider the material placed before him and independently form the opinion that an enquiry is required. The Registrar cannot merely act upon the complaint without applying his own mind.

11.31. Both sides have relied upon this decision, and their respective submissions correctly identify the principle laid down therein. The petitioner is right in submitting that the receipt of a complaint, by itself, is not sufficient. At the same time, the learned Advocate General is right in submitting that the receipt of a complaint does not prevent the Registrar from subsequently initiating an enquiry on his own motion, provided that he independently considers the material and forms the requisite opinion. The real question, therefore, is

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whether the Deputy Registrar applied his mind before ordering the enquiry.

11.32. The relevant facts are substantially undisputed. Complaints were received on six different dates between 08.04.2025 and 07.06.2025. The Deputy Registrar did not order an enquiry immediately upon receipt of the first complaint. He issued notices dated 25.04.2025, 12.05.2025 and 10.06.2025, calling upon the Society to explain the allegations. The petitioner submitted replies dated 20.05.2025 and 18.06.2025. As stated by the petitioner himself, those replies indicated that the issues would be discussed at the Annual General Body Meeting scheduled for 29.06.2025 and that a detailed explanation would thereafter be furnished. The order directing an enquiry was passed on 30.06.2025, more than two months after the first complaint and after three notices had been issued to the Society.

11.33. The learned Advocate General also submitted that, on one occasion, the petitioner issued notices to the complainants and stated that he would respond after discussing the allegations

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with them. There is nothing improper in the petitioner seeking to discuss the allegations with the members of the Society. However, the notices had been issued by a statutory authority and the explanation was required to be furnished to that authority. This circumstance also shows that the Deputy Registrar had afforded an opportunity to the Society to respond before deciding whether an enquiry was necessary.

11.34. The sequence of events does not indicate that the Deputy Registrar mechanically acted upon the complaints. He did not order an enquiry immediately upon receiving them. He called upon the Society to furnish its explanation, waited for the response, and thereafter, when the explanation was not forthcoming in the manner expected, proceeded to order an enquiry. This sequence demonstrates an independent consideration of the material, as required by ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R)*** (Paragraph 14).

11.35. The petitioner has not pointed to any material in the order dated 30.06.2025 which

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establishes that the Deputy Registrar acted at the direction of the complainants or mechanically adopted their allegations. The principal submission is that complaints preceded the order. That circumstance, by itself, is not sufficient to invalidate a suo motu enquiry.

11.36. The learned Advocate General also relied upon ***Islamiah Institute of Technology Employees Union*** (Paragraph 9). In that case, this Court explained the nature of suo motu proceedings and observed that "*That satisfaction should be of that of the Registrar. Neither this Court nor anybody can substitute that satisfaction.*"

11.37. The principal part of paragraph 9 in ***Islamiah Institute of Technology Employees Union*** concerns a somewhat different situation. In that case, a person sought a writ of mandamus directing the Registrar to initiate suo motu proceedings. This Court held that no person has a legal right to compel the Registrar to initiate such proceedings. That aspect of the decision has no direct application here, since the

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petitioner does not seek a direction requiring the Registrar to initiate an enquiry. The relevant principle, however, is that the satisfaction necessary for initiating a suo motu enquiry must be that of the Registrar and cannot be substituted by the satisfaction of the Court or any other person.

11.38. **Islamiah Institute of Technology Employees Union** (Paragraph 9) and **Lingasugur Taluk Halumata Abhivrudhi Samiti (R)** (Paragraph 14) are therefore consistent. **Lingasugur** requires the Registrar to independently apply his mind and form the requisite opinion. **Islamiah Institute** makes it clear that, once such satisfaction is formed, the Court does not substitute its own view for that of the Registrar. The Court is required to examine whether there was an actual exercise of the Registrar's judgment; it is not required to determine whether it would itself have ordered an enquiry on the same material. On the facts of the present case, the sequence of events establishes such independent consideration.

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11.39. There is also another circumstance which requires consideration. The order dated 30.06.2025 was challenged by the petitioner in W.P.No.20919/2025. According to the petitioner's own submission, by order dated 21.08.2025 this Court permitted the Annual General Body Meeting to be held but did not interfere with the order directing the enquiry. W.A.No.1460/2025 arising thereafter was dismissed on 08.09.2025. The order dated 30.06.2025 was not set aside and continued to operate. The enquiry thereafter proceeded pursuant to that order.

11.40. The manner in which the enquiry was required to be conducted is governed by Rule 8 of the KSR Rules. The Rule reads:

"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 elate (sic) specified in the notice.

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(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 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."

11.41. In substance, Rule 8 requires notice to be issued to the Society specifying the date, place and time of the enquiry and the matters which are to be examined. The Society must be given an opportunity to furnish its explanation. On the date fixed for the enquiry, or on an adjourned date, the Society is required to be given an oral hearing. The Registrar or the authorised person may also examine persons and receive relevant documents. If the Society fails to furnish its explanation or fails to attend, the enquiry may proceed ex parte. Upon completion of the enquiry, the findings must be recorded and communicated to the Society.

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11.42. Rule 8(1) is also relevant because it expressly refers to an enquiry held "*either on his own motion or on an application*". The Rule thus recognises the distinction between an enquiry initiated on the Registrar's own motion and one initiated on an application. This is consistent with the interpretation of Section 25(1) discussed above.

11.43. When the facts of the present case are examined in the light of Rule 8, the following position emerges.

11.44. Notice dated 05.07.2025 was issued fixing 21.07.2025 for appearance before the Enquiry Officer. This was in conformity with Rule 8(1) and (2). The matters proposed to be examined were set out in 17 charges.

11.45. The enquiry did not conclude on the first date. It was taken up on several dates during July and August 2025. The two sets of dates referred to in the submissions of the learned Advocate General are not identical. One set refers to 08.08.2025, while the other refers to 18.08.2025. This discrepancy is not material. What is relevant is that the petitioner was given

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several opportunities to participate in the enquiry and to place his case before the Enquiry Officer.

11.46. The learned Advocate General submitted that the note sheet maintained by the Enquiry Officer bears the signature of the petitioner. The petitioner has not disputed the same.

11.47. The petitioner himself states that, after the order dated 21.08.2025, he furnished replies to the allegations along with documents and that his last reply was submitted on 24.09.2025.

11.48. The petitioner has not identified any particular date on which the Enquiry Officer refused to hear him or any document which was offered by him and refused. His grievance regarding denial of an opportunity of hearing is principally directed against the proceedings under Section 27A before the State Government. That issue falls for consideration under Point (iii).

11.49. The record shows that notice was issued, the matters forming the subject of the enquiry were disclosed, time was granted for furnishing an explanation and several hearings were held.

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These are the requirements contemplated by Rule 8. Rule 8(4) further makes provision for proceeding ex parte where the Society fails to furnish its explanation or fails to attend the enquiry.

11.50. The remaining question concerns communication of the result of the enquiry. Section 25(2)(c)(iii) of the KSR Act reads:

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

11.51. The requirement is clear. Upon completion of an enquiry under Section 25, the result of the enquiry is required to be communicated to the Society. Rule 8(5) contains the corresponding requirement at the level of the Rules.

11.52. In **Krishnamurthy** (Paragraph 20), this Court held that the requirements contained in these provisions are mandatory. The Court explained that action under Section 27A may have serious consequences for the managing committee and that the law therefore requires the result of the enquiry to be communicated. This Court observed:

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"This is evidently with the intention to provide the office bearers of the Society with a further opportunity of making representations either with the Registrar or the Government, as the case may be, on the adverse remarks, if any, found in the report before they proceed to take further action against the Society."

11.53. The Court accordingly concluded:

"Therefore, the aforesaid provisions are not merely directory, and they are, in my opinion, mandatory."

11.54. The petitioner's grievance is essentially with regard to the timing of the communication of the enquiry report. According to the petitioner, the interim order dated 11.09.2025 was received by the Society only on 16.09.2025, by which time a recommendation for appointment of an Administrator had already been made. The learned Advocate General, however, submits that the report was forwarded on 12.09.2025. This difference of four days is not material for deciding the present issue, and it is therefore unnecessary to determine which of the two dates is correct.

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11.55. It is necessary, however, to examine the purpose of the requirement under Section 25(2)(c)(iii). The provision states:

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

11.56. The requirement to communicate the result of an enquiry under Section 25 is not without purpose. The communication of the result is particularly relevant where further proceedings are contemplated on the basis of the enquiry report, including proceedings under Section 26 of the KSR Act, such as surcharge proceedings. In such a case, the person concerned must have knowledge of the findings on which the further proceedings are sought to be founded.

11.57. The position is somewhat different where the consequence proposed to be drawn from the enquiry is the appointment of an Administrator under Section 27A. The power to appoint an Administrator under Section 27A is vested in the State Government, and Section 27A(1)(c) specifically contemplates issuance of notice by the Government to the Society before such action is taken. The Society is thereby given an

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opportunity to place its objections before the Government against the proposed appointment.

11.58. Therefore, where the Government proposes to act under Section 27A on the basis of the findings of an enquiry under Section 25, the opportunity contemplated under Section 27A(1)(c) cannot be ignored. At the same time, it would not be appropriate to require two separate and overlapping opportunities to be given on the same proposed action, one by the Registrar merely by forwarding the enquiry report under Section 25(2)(c)(iii), and another by the Government under Section 27A(1)(c), which is the provision specifically governing the proposed appointment of an Administrator.

11.59. The distinction is important. Section 25(2)(c)(iii) requires communication of the result of the enquiry. Section 27A(1)(c), on the other hand, operates when the Government proposes to take the specific consequential action of appointing an Administrator. The latter provision requires the Government to put the proposed action to the Society and afford it an opportunity to submit its objections. Thus, the

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statutory scheme itself provides the necessary safeguard at the stage when action under Section 27A is actually contemplated.

11.60. In the present case, the Society was served on 16.09.2025 with notice dated 15.09.2025 issued by the State Government under Section 27A, calling upon it to submit its objections to the proposed appointment of an Administrator. The order appointing the Administrator was thereafter passed on 30.09.2025. Thus, before the Government took the final decision under Section 27A, the Society had notice of the proposed action and an opportunity to place its objections before the competent authority.

11.61. The principle stated in ***Krishnamurthy*** (Paragraph 20) has to be understood in the context of the statutory purpose of communicating the result of the enquiry. The object is to ensure that adverse findings are not acted upon without the affected Society having an opportunity to make an appropriate representation before further action is taken. In the present case, insofar as the proposed action was the appointment of an Administrator under

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Section 27A, that opportunity was expressly provided by the notice issued by the State Government under Section 27A(1)(c).

11.62. Consequently, the fact that the recommendation for appointment of an Administrator may have preceded the communication of the enquiry report does not, by itself, invalidate the subsequent action. A recommendation by the Registrar is not the statutory decision contemplated under Section 27A. The final decision to appoint an Administrator was required to be taken by the State Government after issuing the notice contemplated under Section 27A(1)(c), and that requirement was complied with in the present case.

11.63. The position would necessarily be different if the Society had been denied the opportunity contemplated under Section 27A(1)(c), or if the State Government had proceeded to appoint an Administrator without considering the objections submitted by the Society. No such case is made out on the material presently under consideration.

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11.64. Accordingly, the objection based upon the timing of the communication of the enquiry report does not, in the circumstances of the present case, vitiate the appointment of the Administrator. The statutory requirement under Section 25(2)(c)(iii) and the separate procedural safeguard under Section 27A(1)(c) must be understood in their respective contexts; the latter is the specific safeguard applicable when the Government proposes to appoint an Administrator.

11.65. Thus, the Society had an opportunity to make the representation contemplated in ***Krishnamurthy*** (Paragraph 20). The fact that a recommendation may have been made before the report was communicated to the Society does not, by itself, defeat the statutory purpose. A recommendation is not the final action against the Society. The relevant action was the order passed by the State Government under Section 27A on 30.09.2025, by which time the Society had an opportunity to place its objections.

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11.66. Rule 8(5) further requires the findings to be communicated "*on the completion of the enquiry*". In the present case, the enquiry was ultimately concluded with the report dated 09.01.2026. According to Prof. Ravi Varma Kumar, the report was accepted on 12.01.2026 and forwarded to the State Government on 14.01.2026. The petitioner has not contended that this final report was not communicated to the Society. No finding on that aspect is therefore called for.

11.67. Whether the State Government could act under Section 27A on the basis of an interim report before completion of the Section 25 enquiry is a question concerning the scope of the power under Section 27A. It does not affect the validity of the enquiry under Section 25 itself. That question is considered separately under Point (ii).

11.68. The learned Advocate General also relied upon ***Amiya Vilas Swami*** (Paragraph 34). In that case, this Court observed that under Section 25 "*all that is provided is only enquiry and submitting of report*" and that the statute does

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not prescribe what is to be done with the report or whether the Registrar himself can take a further decision on the basis of it.

11.69. The said decision is relevant to the extent that it explains the nature of an enquiry under Section 25. Such an enquiry is essentially a fact-finding exercise culminating in findings and a report. The enquiry itself does not result in removal of any office-bearer, nor does it confer upon the Registrar a power to determine who should govern the Society. The validity of the enquiry can therefore be examined independently of the subsequent action taken by the State Government under Section 27A.

11.70. The remaining part of paragraph 34 of ***Amiya Vilas Swami*** concerns a dispute between rival groups, each claiming to be the governing body of the Society. That situation does not arise in the present case and is therefore distinguished on that basis.

11.71. Prof. Ravi Varma Kumar placed before the Court the findings of the Enquiry Officer in respect of the individual charges. Those findings have been noticed only as part of the factual

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background. The correctness of the findings recorded on individual charges does not arise for consideration in the present writ petition. The enquiry report itself is not under challenge. This Court therefore expresses no opinion on whether any particular charge was rightly held to be proved or not proved. Any question arising from the findings of the Enquiry Officer and the consequences, if any, under the KSR Act are left open to be considered in accordance with law.

11.72. The submission of Prof. Ravi Varma Kumar that the petitioner has not denied the allegations also requires to be considered in this context. The petitioner states that he answered all the charges and produced supporting documents. Whether the replies amount to a denial of the charges, and whether the explanation furnished by the petitioner is satisfactory, are questions which fall for consideration by the competent authorities under the KSR Act. This Court therefore does not proceed on the basis that the petitioner has admitted any of the charges. Equally, this Court does not record any finding that the petitioner has disproved the charges.

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11.73. For the reasons stated above, this Court is of the view that Section 25(1) permits the Registrar to initiate an enquiry on his own motion, and that the requirement regarding the number of members applies where the enquiry is sought to be initiated on an application under the second or third modes contemplated by the provision. In the present case, the Deputy Registrar received complaints, issued three notices over a period of more than two months, afforded the Society an opportunity to explain the allegations and thereafter ordered an enquiry. The sequence of events establishes independent application of mind and satisfies the test laid down in ***Lingasugur Taluk Halumata Abhivrudhi Samiti (R)*** (Paragraph 14). Once such satisfaction was formed, this Court would not substitute its own satisfaction for that of the statutory authority, in view of the principle stated in ***Islamiah Institute of Technology Employees Union*** (Paragraph 9).

11.74. The order dated 30.06.2025 was not set aside in the earlier proceedings. The enquiry thereafter proceeded in accordance with Rule 8, including issuance of notice, disclosure of the

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matters under enquiry, opportunity to furnish an explanation and several hearings. The requirement under Section 25(2)(c)(iii) and Rule 8(5), as explained in **Krishnamurthy** (Paragraph 20), was also satisfied for the purpose relevant to the action under consideration, since the Society had the interim report before the State Government passed the order under Section 27A.

11.75. This Court answers point (i) by holding that the initiation of the proceedings under Section 25 of the KSR Act by order dated 30.06.2025, and the enquiry conducted pursuant thereto, are to be valid in law.

12. **Answer to Point No. (ii): Whether, on the basis of the material placed before it and the outcome of the enquiry under Section 25, the State Government had the requisite statutory basis to exercise the power under Section 27A(1)(c) of the Act?**

12.1. Sri. Jaykumar S. Patil, learned Senior Counsel for the petitioner, submitted that Section 27A permits appointment of an Administrator only for the purposes specified in the provision. Securing documents or facilitating the conduct of an enquiry is not, by itself, a purpose for

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which the power under Section 27A can be exercised.

12.2. Under Section 25(2)(a), the Enquiry Officer already has the power to call for records, inspect them and require any person having custody of such records to produce them. Therefore, the records required for the enquiry could have been secured by exercising the powers available under Section 25. If the object of appointing an Administrator was merely to secure records or facilitate the enquiry, such appointment would amount to exercising the power under Section 27A for a purpose not contemplated by the statute.

12.3. The Enquiry Committee constituted by the Secretary, Kannada and Culture Department, on 23.07.2025 submitted an interim report stating that the petitioner had not responded despite being given opportunities. The Committee recommended appointment of an Administrator under Section 27A to facilitate a detailed enquiry.

12.4. It was further submitted that, by the time the interim order dated 11.09.2025 was

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communicated to the Society on 16.09.2025, a recommendation for appointment of an Administrator had already been made.

12.5. Appointment of an Administrator is an exceptional measure because it displaces the elected management of the Society. The power under Section 27A must therefore be exercised strictly within the limits prescribed by the statute and only when the statutory conditions for its exercise are satisfied. Reliance was placed on ***Ravi Yashwant Bhoir v. District Collector, Raigad & Ors.*** [2012 4 SCC 407] (Paragraph 33), for the proposition that the statutory procedure governing removal of an elected office-bearer must be strictly followed. Reliance was also placed on ***State of Madhya Pradesh and Others v. Sanjay Nagayach and Others*** [(2013) 7 SCC 25] (Paragraph 35), to contend that an elected body cannot be displaced by an order which travels beyond the power conferred by Section 27A.

12.6. The learned Advocate General, appearing for respondents No.1 to 4, submitted that the Deputy Registrar submitted a report to the

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Registrar recommending appointment of an Administrator under Section 27A(1)(c). It was submitted that the enquiry could not proceed effectively because of the petitioner's alleged non-cooperation. The Registrar accepted the recommendation and forwarded the matter to the State Government for appropriate action.

12.7. The State Government thereafter issued notice dated 15.09.2025 under Section 27A(1)(c), calling upon the Society to show cause why an Administrator should not be appointed on the basis of the Registrar's report. Before appointing the Administrator, the State Government considered the Enquiry Officer's report as well as the recommendation made by the Secretary to Government. According to the learned Advocate General, the statutory requirement of enquiry under Section 27A(1)(c) was thereby satisfied.

12.8. Reliance was placed on ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society v. District Registrar (Deputy Commissioner), Kolar*** [1984 SCC Online Kar. 122] (Paragraph 6). It was submitted that

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clauses (a) and (b) of Section 27A(1) are not exhaustive and that, under clause (c), the State Government may appoint an Administrator on the basis of a report of the Registrar or otherwise, provided that, upon enquiry, it is satisfied that such appointment is necessary in the public interest. The Registrar has no power to appoint an Administrator himself, but may conduct the necessary proceedings and submit a report to the State Government. The statutory scheme thus operates in two stages: the proceedings before the Registrar, culminating in a report, followed by consideration of the matter by the State Government. An opportunity before the Registrar does not dispense with the requirement of consideration and opportunity before the State Government.

12.9. Reliance was also placed on ***Amiya Vilas Swami v. Shankha Brita Das*** [2007 SCC Online Kar. 432] (Paragraph 34). It was submitted that an enquiry under Section 25 culminates in a report, whereas the power to appoint an Administrator under Section 27A vests in the State Government. The exercise of

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that power is discretionary. According to the learned Advocate General, the State Government did not treat the Section 25 report as automatically requiring appointment of an Administrator, but independently considered the material before taking its decision.

12.10. Reliance was further placed on ***K.Shivanna v. State of Karnataka*** [WP No.33814 of 2025, dated 28.11.2025] (Paragraph 11.8). It was submitted that Section 27A was introduced to address situations in which the affairs of a Society reach a stage of stalemate. This consideration assumes greater significance where the Society receives substantial Government assistance or its activities have a wider public impact. The expression "public interest" must therefore be understood in the context of the legislative purpose underlying Section 27A.

12.11. The powers conferred upon the Enquiry Officer under Section 25 to call for, examine and secure records do not exhaust the circumstances in which the State Government may exercise its independent power under

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Section 27A. The existence of powers under Section 25 to secure documents does not, by itself, exclude the exercise of the statutory power under Section 27A where the conditions prescribed therein are otherwise satisfied.

12.12. The statute does not require the State Government to finally determine every allegation before taking an interim administrative measure in the public interest. The question is whether, on the material available to the State Government at the relevant time, it had the requisite statutory satisfaction for exercising the power under Section 27A(1)(c).

12.13. It was submitted that **Sanjay Nagayach** (Paragraphs 35 and 40) concerned a case of illegal supersession involving serious procedural and jurisdictional defects. The decision does not lay down an absolute prohibition against temporary displacement of an elected management where the governing statute expressly confers such power. Similarly, **Ravi Yashwant Bhoir** (Paragraph 33) requires strict compliance with the statutory safeguards. The

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learned Advocate General does not dispute that requirement; the submission of the State is that those safeguards were duly complied with in the present case.

12.14. Prof. Ravi Varma Kumar, learned Senior Counsel appearing for respondent No.5, submitted that the recommendation contained in the report dated 09.01.2026 was accepted by the Registrar on 12.01.2026 and forwarded to the State Government on 14.01.2026. It was submitted that the State Government, after considering the recommendation and appointing an Administrator, followed the prescribed procedure and extended the terms of the Administrator and that no ground was made out for interference by this Court.

12.15. The question under this point concerns the statutory basis on which the State Government exercised its power under Section 27A(1)(c) of the KSR Act. The starting point, therefore, must be the language of the provision itself. Section 27A(1), as amended, reads:

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

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(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

(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;

...

(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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12.16. In substance, Section 27A(1) identifies three situations in which the State Government may appoint an Administrator. Clauses (a) and (b) deal with failure to hold the annual general meeting and expiry of the term of the governing body without constitution of a new body.

12.17. Clause (c) operates on a different basis. It applies where, on a report made by the Registrar or otherwise, and after enquiry, the State Government considers it necessary in public interest to appoint an Administrator.

12.18. The power under clause (c) has three distinct elements. First, there must be material before the State Government, which may be a report of the Registrar or may come from some other source. Secondly, there must be an enquiry. Thirdly, the State Government must itself consider that appointment of an Administrator is necessary in public interest.

12.19. The Administrator may be appointed for a period not exceeding six months at a time. The proviso permits extension, subject to the

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conditions stated therein and the overall limit prescribed by the Act.

12.20. During the period of appointment, Section 27A(3) takes away the governing body's power to manage the affairs of the society and places those functions in the hands of the Administrator.

12.21. Section 27A(4) requires the Administrator to take steps for convening the general body meeting and holding elections before expiry of his tenure.

12.22. This statutory scheme was considered by this Court in ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society*** (Paragraph 6). The Court held that the grounds mentioned in clauses (a) and (b) are not exhaustive and that the State Government may appoint an Administrator under Section 27A(1) on a report made by the Registrar or otherwise, provided that, on enquiry, it is satisfied that such appointment is necessary in public interest. The Court further held that an opportunity given to the Society by the Registrar before submission of his report does

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not dispense with the enquiry and opportunity to be afforded by the State Government before an Administrator is appointed.

12.23. This decision makes the scheme clear. Clause (c) is an independent statutory basis for appointment. The State Government may receive the matter through a report of the Registrar or through other material. But, whatever the source, the State Government must itself enquire into the matter and form its own opinion on the question of public interest.

12.24. The petitioner does not dispute the existence of this statutory scheme. His objection is that, on the date on which the Administrator was appointed, the Section 25 enquiry had not been completed and that the material then available was insufficient to sustain action under Section 27A(1)(c).

12.25. Before examining that objection, it is necessary to set out the sequence of events. Complaints were received concerning the affairs of the Society. The Deputy Registrar issued preliminary notices to the Society and called for its explanation. Thereafter, proceedings under

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Section 25 were initiated and an Enquiry Officer was appointed.

12.26. During the course of those proceedings, an Enquiry Committee constituted by the Secretary, Kannada and Culture Department on 23.07.2025 submitted an interim report. The report referred to the petitioner's alleged failure to respond despite opportunities and recommended appointment of an Administrator under Section 27A for a detailed enquiry.

12.27. Taking the interim report into consideration, the Deputy Registrar submitted a report recommending action under Section 27A(1)(c). The report was accepted by the Registrar and forwarded to the State Government. Thus, by the time the State Government considered the matter, the interim report and other material arising from the enquiry proceedings were on record, and the Registrar had submitted his report recommending appointment of an Administrator.

12.28. The State Government thereafter issued notice dated 15.09.2025 under Section 27A(1)(c), calling upon the Society to show cause against

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the proposed appointment of an Administrator. The notice was served on 16.09.2025. The State Government subsequently passed the order appointing the Administrator on 30.09.2025.

12.29. The dates are important because the final report in the Section 25 enquiry was submitted only on 09.01.2026. The order appointing the Administrator was therefore made more than three months before the final report. The statutory basis of the order dated 30.09.2025 must consequently be examined with reference to the material that was available to the State Government on that date. The subsequent final report cannot be relied upon to supply a basis which was absent when the order was made.

12.30. The later report may have relevance to the subsequent orders extending the Administrator's tenure. Those orders are considered separately under Point (vi). For the present point, the Court confines itself to the material available on 30.09.2025.

12.31. The principal question is whether Section 27A(1)(c) requires the State Government to

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wait until the enquiry under Section 25 is completed before it can exercise its power.

12.32. The language of Section 27A(1)(c) does not impose such a requirement. It does not state that the enquiry contemplated by clause (c) must be an enquiry completed under Section 25. Nor does it make completion of a Section 25 enquiry a condition precedent to exercise of the power.

12.33. Section 25 and Section 27A operate in different fields. Section 25 provides for an enquiry into the constitution, working and financial condition of a registered society. It is essentially a fact-finding provision. Section 27A, on the other hand, confers a power on the State Government to make an interim arrangement for the management of the society where the statutory conditions are satisfied and public interest requires such action.

12.34. The fact that proceedings under Section 25 were pending does not, therefore, prevent the State Government from considering whether an Administrator was required under Section 27A(1)(c). To hold otherwise would add a

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condition to Section 27A which the Legislature has not enacted.

12.35. This distinction is also consistent with ***Amiya Vilas Swami v. Shankha Brita Das*** [2007 SCC Online Kar. 432] (Paragraph 34). This Court observed that appointment of an Administrator under Section 27A is within the discretion of the State Government and that it is not mandatory for the State Government to appoint an Administrator merely because a report or information is available.

12.36. The principle relevant here is that the report does not itself result in appointment. The State Government has to consider the material and exercise its own statutory discretion. The Section 25 enquiry and the Section 27A power therefore cannot be treated as one and the same proceeding.

12.37. Paragraph 34 of ***Amiya Vilas Swami*** was concerned with a dispute between rival groups claiming to be the governing body and dealt with the circumstances arising under clauses (a) and (b) of Section 27A(1). It did not directly consider the independent scope of clause (c).

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The precise question is, however, answered by **Bharata Ratna Mokshgundam Viswaawaraiah Education Society** (Paragraph 6), which expressly holds that clauses (a) and (b) are not exhaustive. The two decisions therefore do not present any real conflict. **Amiya Vilas Swami** is relevant for the proposition that the power is discretionary, while **Bharata Ratna Mokshgundam Viswaawaraiah Education Society** governs the scope of clause (c).

12.38. The learned Advocate General also relied upon **K.Shivanna v. State of Karnataka** [WP No.33814 of 2025 dt.28.11.2025] (Paragraph 11.8). That decision refers to the explanatory note to Amending Act 65 of 1976, by which Section 27A was introduced. The note states that where a society is unable to hold its general body meeting or constitute a new governing body, its affairs may reach a stalemate and that the provision was framed in general terms to permit appointment of an Administrator, including where the State considers it necessary in public interest.

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12.39. The legislative note supports the view that clause (c) is a distinct ground. It does not, however, confine clause (c) to cases of stalemate. The words used by the Legislature are wider, namely, where the State Government, on enquiry, considers appointment of an Administrator necessary in public interest. The relevance of public interest in the present case is considered separately under Point (iv).

12.40. The petitioner next submits that there was no need to appoint an Administrator because the Enquiry Officer already had sufficient powers under Section 25(2)(a) to obtain the records required for the enquiry. Section 25(2)(a) 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 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;"

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12.41. The provision undoubtedly gives the Registrar or the authorised Enquiry Officer substantial powers to inspect and obtain the Society's records. Those powers are intended to facilitate the Section 25 enquiry.

12.42. They do not, however, confer any power to take over or regulate the management of the Society. The existence of a power under Section 25(2)(a) to secure documents does not prevent the State Government from exercising the separate power conferred by Section 27A(1)(c), provided the statutory conditions for that power are satisfied.

12.43. The distinction is important. A power to inspect records is a means of conducting an enquiry. Appointment of an Administrator is a measure concerning management. Under Section 27A(3), the appointment has the consequence that the elected governing body ceases to exercise its statutory and other functions during the period of administration. The two powers therefore serve different purposes.

12.44. The petitioner has also relied upon the interim report of the Enquiry Committee dated

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23.07.2025, particularly its recommendation that an Administrator be appointed "*for a detailed enquiry*". That recommendation cannot, by itself, determine the scope of the State Government's statutory power. The question under Section 27A(1)(c) is whether the State Government, on the material before it and after its own enquiry, considered appointment of an Administrator necessary in public interest.

12.45. Whether the State Government in fact formed such an opinion, whether the material was sufficient for that purpose, and whether the power was exercised for the purpose authorised by Section 27A are distinct questions. They are considered under Points (iii), (iv) and (v), respectively.

12.46. The petitioner relied upon ***State of Madhya Pradesh and Others v. Sanjay Nagayach and Others*** [(2013) 7 SCC 25] (Paragraphs 35 and 40). In paragraph 40, the Hon'ble Supreme Court noted that, even assuming the power under the provision in question existed, no report had been forwarded by the Registrar to

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the State Government and no direction had been issued by the State Government for supersession of the Board. The action had been taken by an authority other than the authority empowered by the statute.

12.47. The facts here are materially different. In the present case, a report of the Registrar was before the State Government and the order dated 30.09.2025 was made by the State Government itself, which is the authority expressly empowered under Section 27A(1)(c). The particular defect identified in ***Sanjay Nagayach*** is therefore absent.

12.48. The broader principle in ***Sanjay Nagayach***, namely that an elected body cannot be displaced except in accordance with the statutory power and procedure, is accepted. Its application to the present case is considered while examining the remaining statutory requirements.

12.49. The petitioner also relied upon ***Ravi Yashwant Bhoir v. District Collector, Raigad & Ors*** [2012 4 SCC 407] (Paragraph 33), where the Hon'ble Supreme Court held that the procedure

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prescribed by the statute for removal of an elected office-bearer must be strictly followed and that removal cannot be justified unless the statutory requirements are satisfied.

12.50. That principle applies with equal force to an order under Section 27A. Appointment of an Administrator results in the elected governing body ceasing to exercise its powers under Section 27A(3). The statutory requirements must therefore be examined carefully and separately.

12.51. On the present point, the first requirement is satisfied because there was a report of the Registrar before the State Government. Whether the State Government conducted the enquiry required by clause (c) and afforded the Society the necessary opportunity is considered under Point (iii). Whether the State Government had the requisite basis to form an opinion that appointment was necessary in public interest is considered under Point (iv). The question whether the power was exercised for a proper purpose is considered under Point (v).

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12.52. The learned Advocate General submitted that the State Government was not required to finally determine all the allegations before making a temporary arrangement under Section 27A(1)(c). That submission is correct. Clause (c) requires the State Government to consider whether appointment of an Administrator is necessary in public interest. It does not require a final finding on every allegation in the Section 25 enquiry.

12.53. The temporary nature of the power is also relevant. The initial appointment cannot exceed six months at a time, subject to the further limits prescribed by the Act. The purpose of the provision is to provide for management of the Society during the period in which the statutory conditions warrant such intervention. A final adjudication of every allegation cannot therefore be treated as a condition precedent unless the statute so provides.

12.54. This does not mean that the State Government may act without material or enquiry. ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society*** (Paragraph 6) makes it

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clear that the State Government must conduct its own enquiry and afford the Society an opportunity before making the appointment. The absence of a final finding in the Section 25 proceedings is not, by itself, a defect; the statutory requirements under Section 27A must nevertheless be satisfied.

12.55. There is one further aspect concerning the communication of the Section 25 enquiry report. Section 25(2)(c)(iii) provides:

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

12.56. This requirement has a distinct statutory purpose. The communication of the result of the Section 25 enquiry is relevant, among other things, where further proceedings such as surcharge proceedings under Section 26 are contemplated. It ensures that the Society is informed of the result of the enquiry and is able to avail itself of the remedies or opportunities available under the Act.

12.57. The requirement of communication under Section 25(2)(c)(iii) does not, however, require

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a second notice from the Registrar in every case where the State Government proposes to take independent action under Section 27A(1)(c). Section 27A contains its own procedural safeguard. Where the State Government proposes to appoint an Administrator, it must itself enquire into the matter and give the Society an opportunity before taking that action, as held in ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society*** (Paragraph 6).

12.58. In the present case, the material before the State Government included the report of the Registrar and the interim material arising from the Section 25 proceedings. The State Government thereafter issued notice dated 15.09.2025 under Section 27A(1)(c), calling upon the Society to show cause against appointment of an Administrator. That notice served the separate statutory purpose contemplated by Section 27A.

12.59. There is therefore no requirement to duplicate the same opportunity by insisting that the Registrar must first communicate the interim

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report under Section 25(2)(c)(iii), and that the State Government must thereafter issue another notice on the same material under Section 27A. The two provisions operate for different purposes. The communication contemplated by Section 25(2)(c)(iii) concerns the result of the Section 25 enquiry. The notice under Section 27A concerns the proposed exercise of the State Government's independent power to appoint an Administrator.

12.60. The subsequent final report dated 09.01.2026 does not alter this position. The Administrator had already been appointed on 30.09.2025. The legality of that order must be judged on the material then available. The later report cannot retrospectively validate the earlier order. Its relevance, if any, is to the subsequent extension orders and is considered under Point (vi).

12.61. On the material available on 30.09.2025, therefore, the State Government had before it a report of the Registrar recommending action under Section 27A(1)(c), the complaints received against the Society, the preliminary

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proceedings, and the material generated during the Section 25 proceedings, including the interim report. Section 27A(1)(c) did not require the Section 25 enquiry to have reached its final stage before the State Government could consider appointment of an Administrator.

12.62. The petitioner's submission that the power under Section 27A must be exercised strictly in accordance with the statute is accepted. However, the further submission that the State Government had no statutory basis to consider appointment of an Administrator cannot be accepted. The existence of the power under Section 25(2)(a) to obtain records did not exclude the separate power under Section 27A(1)(c) to make an interim arrangement for management. Nor did the pendency of the Section 25 enquiry, by itself, disable the State Government from acting under Section 27A(1)(c).

12.63. This Court answers Point (ii) by holding that as on 30.09.2025, the State Government had before it a report of the Registrar and other material arising from the proceedings under

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Section 25. Section 27A(1)(c) did not require the Section 25 enquiry to be completed before the State Government could exercise the power conferred by that provision. The State Government therefore had the statutory basis to consider the appointment of an administrator and, subject to compliance with the other statutory requirements, to exercise the power under Section 27A(1)(c). Whether the State Government complied with the requirement of an independent enquiry and opportunity to the Society, whether it formed the requisite opinion in public interest, and whether the power was exercised for the purpose authorised by the statute are dealt with under Points (iii), (iv) and (v), respectively.

13. **Answer to Point No. (iii): Whether, prior to the appointment of the Administrator, the petitioner was afforded a reasonable and effective opportunity of being heard and whether the material relied upon by the petitioner in response to the notice under Section 27A was duly considered?**

13.1. Sri. Jaykumar S. Patil, learned Senior Counsel for the petitioner, submitted that:

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- 13.2. On 15.09.2025, the State Government issued a notice proposing to appoint an Administrator and called upon the petitioner to appear on 22.09.2025. The notice was served on 16.09.2025, while time to submit objections was granted only up to 20.09.2025.
- 13.3. On 17.09.2025, the petitioner sought further time on the ground that there had been a death in his family and that he had to travel to attend the funeral and the ceremonies thereafter. By letter dated 20.09.2025, he also stated that he was unable to attend the hearing on account of age-related ailments and sought 15 days' time.
- 13.4. On 22.09.2025, a representative of the Society appeared before the Enquiry Officer and sought further time for the petitioner to submit his reply and for a personal hearing. The request was rejected on the same day. The said rejection was challenged by the petitioner in W.P.No.29086/2025.
- 13.5. On 23.09.2025, a co-ordinate bench of this Court noticed that the enquiry fixed for 22.09.2025 had not taken place and directed that a fresh date be fixed. The Annual General

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Body Meeting proposed to be held on 05.10.2025 was permitted to go ahead. This Court further observed that the proceedings under Section 27A and any resolution passed at the meeting would remain subject to the orders of the Court, and that the enquiry could continue, with its outcome to be placed before the Court before being implemented.

13.6. According to learned Senior Counsel, despite the order dated 23.09.2025, the State Government informed this Court on 30.09.2025 that an Administrator had been appointed for three months. The appointment, according to the petitioner, had the effect of preventing the Annual General Body Meeting and was therefore inconsistent with the order dated 23.09.2025.

13.7. Learned Senior Counsel further submitted that the petitioner had, by then, answered all 17 charges. His last reply was submitted on 24.09.2025, along with the relevant documents. Therefore, by the date of the order appointing the Administrator, there was no justification for treating the petitioner as having failed to co-operate with the proceedings.

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13.8. It was submitted that although a show-cause notice had been issued under Section 27A, the objections and documents submitted by the petitioner were not considered before the order dated 30.09.2025 was passed. The order was therefore said to be contrary to the principles of natural justice and indicative of non-application of mind.

13.9. Reliance was placed on **S.L. Kapoor v. Jagmohan** [(1980) 4 SCC 379] (Paragraphs 16, 17, 20 and 25). It was submitted that natural justice requires that a person against whom action is proposed must know the allegations and the action proposed and must be given a real and effective opportunity to meet them. Information furnished earlier for a different purpose cannot be treated as an opportunity in respect of the proposed action. It was further submitted that even where some facts may be admitted or undisputed, natural justice is not automatically excluded, particularly where the proposed action has serious consequences and involves the exercise of discretion. Therefore, even if there were lapses on the part of the petitioner, his

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explanation was required to be considered before taking the step of appointing an Administrator.

13.10. Reliance was also placed on ***Ravi Yashwant Bhoir v. District Collector, Raigad & Ors*** [2012 4 SCC 407] (Paragraphs 32 and 33). It was submitted that an elected office-bearer cannot be displaced without a proper enquiry, a meaningful opportunity of hearing and strict compliance with the statutory procedure.

13.11. Sri. K. Shashi Kiran Shetty, learned Advocate General appearing for respondents No.1 to 4, submitted that the notice dated 15.09.2025 was issued specifically to give the petitioner an opportunity to place his objections before the State Government before any final decision was taken. The petitioner did not submit a substantive reply within the time granted and instead sought further time on the ground that his brother-in-law had died and that he was required to attend the ensuing religious ceremonies.

13.12. The respondents disputed the reason given for seeking time. According to the material relied

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upon by them, the petitioner had not left Bengaluru and had not attended the ceremonies. CCTV footage from the Society's premises, including the camera installed in the petitioner's own chamber, was relied upon to show that he was present in the Society's office. On that basis, the request for further time was not accepted and the matter was fixed for hearing on 22.09.2025.

13.13. Learned Advocate General submitted that flight tickets and travel had initially been referred to. However, learned Senior Counsel for the petitioner subsequently stated that the petitioner had not travelled and was in Bengaluru. In view of that statement, the question relating to the flight tickets need not be examined.

13.14. According to the learned Advocate General, the request for time could not be considered in isolation. The petitioner's conduct had to be viewed in the context of the earlier proceedings, including the delay in responding to the complaints, preliminary notices and the charges. The decision to appoint an

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Administrator was based on the overall course of the proceedings and not merely on the petitioner's failure to answer one particular notice.

13.15. It was further submitted that the Administrator did not immediately assume charge merely upon the passing of the order dated 30.09.2025. The order was placed before this Court for information in compliance with the directions issued on 23.09.2025.

13.16. The learned Advocate General also submitted that, even after the appointment of the Administrator, the petitioner had replied only to nine charges. The note sheet maintained by the Enquiry Officer, bearing the petitioner's signature, was relied upon to show that the petitioner had participated in the enquiry.

13.17. On the reliance placed upon **S.L. Kapoor** (Paragraph 16), the learned Advocate General submitted that the decision had no application to the present case. Unlike the situation in that case, the petitioner here was specifically informed, by the notice dated 15.09.2025, that appointment of an Administrator under Section

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27A(1)(c) was proposed. The petitioner sought further time, that request was considered, and a representative of the Society thereafter appeared before the competent authority seeking additional time. The State Government was not bound to grant further time merely because it was requested.

13.18. Reliance was also placed on ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society vs. District Registrar (Deputy Commissioner), Kolar*** [1984 SCC Online Kar. 122] (Paragraph 6). It was submitted that the statutory scheme contemplates an opportunity at two stages: first, before the Registrar in the proceedings leading to his report, and thereafter before the State Government before it decides whether to appoint an Administrator. According to the respondents, both opportunities were afforded in the present case.

13.19. Prof. Ravi Varma Kumar, learned Senior Counsel appearing for respondent No.5, submitted that the enquiry had been delayed because the petitioner had not co-operated with the proceedings. He further submitted that, apart

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from alleging breach of natural justice, the petitioner had neither denied the allegations nor produced documents to answer them.

13.20. Learned Senior Counsel also submitted that the petitioner had suppressed material facts and had not approached this Court with clean hands.

13.21. Section 27A(1)(c) does not expressly state that a notice must be issued before an Administrator is appointed. The provision, however, requires the State Government to act "*on enquiry*". In ***Bharata Ratna Mokshgundam Viswaawaraiah Education Society*** (Paragraph 6), this Court held that the State Government must itself hold an enquiry and afford the Society an opportunity before deciding to appoint an Administrator, even if the Registrar has already given an opportunity. The learned Advocate General does not dispute this position. In the present case, the State Government did issue a notice dated 15.09.2025. The question, therefore, is not whether an opportunity was required, but

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whether the opportunity actually afforded was reasonable and effective.

13.22. The Hon'ble Supreme Court in ***S.L. Kapoor v. Jagmohan*** in paragraph 16 held that natural justice requires an opportunity to represent oneself "*in view of the proposed action*". It further explained that there need not be two separate hearings, one on the allegations and another on the proposed consequence. Both can form part of the same opportunity. What is necessary is that the person concerned should know the allegations and the action that may follow from them.

13.23. The defect in ***S.L. Kapoor*** was that the New Delhi Municipal Committee had not been put on notice of the proposed action under Section 238 of the Punjab Municipal Act. The information furnished by it on earlier occasions for other purposes could not be treated as notice of the proposed supersession. The present case is materially different.

13.24. The chronology is important. The allegations against the Society were not new when the State Government issued the notice under

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Section 27A. Notices dated 25.04.2025, 12.05.2025 and 10.06.2025 had already called upon the Society to explain the allegations. The petitioner had replied to two of those notices. Thereafter, a Section 25 enquiry was commenced by notice dated 05.07.2025, and seventeen charges were framed and taken up during July and August 2025. Thus, by September 2025, the Society had been dealing with the allegations for several months.

13.25. The position became more specific when the State Government issued the notice dated 15.09.2025. That notice did not merely ask the Society to explain the allegations. It informed the Society that an Administrator was proposed to be appointed under Section 27A(1)(c) and called upon it to show cause against that action. The Society was therefore made aware both of the material against it and of the consequence that the State Government proposed to consider. This satisfies the basic requirement identified in paragraph 16 of ***S.L. Kapoor.***

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13.26. The principal complaint is nevertheless that the time allowed was inadequate. The notice was served on 16.09.2025; objections were required by 20.09.2025; and the matter was taken up on 22.09.2025. If these dates are considered in isolation, the period for filing objections was short. The question, however, cannot be decided merely by counting the days. The Court must consider what the Society was required to answer and what opportunity it had to place its case.

13.27. The notice did not introduce a fresh set of allegations. The allegations and the seventeen charges had already been the subject of proceedings for several months. The immediate question under Section 27A was whether, in view of the material already available, an Administrator should be appointed to manage the affairs of the Society. The Society therefore did not have to begin its defence afresh. It could place before the State Government the reasons why an Administrator was not necessary and why the elected governing body should be permitted to continue pending completion of the enquiry.

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13.28. More importantly, the record shows that the petitioner did not merely have the four days between service of notice and the date fixed for appearance. The proposed action was not finally decided on 22.09.2025. The order appointing the Administrator was passed only on 30.09.2025. The petitioner himself relies upon replies to the charges which were submitted up to 24.09.2025. Thus, there remained time after the date fixed for appearance and before the final order was made during which the Society could have placed material specifically addressing the proposed appointment of an Administrator.

13.29. The explanation offered for not filing such a response is also relevant. On 17.09.2025, the petitioner sought time on the ground of a family bereavement and stated that he had to travel. On 20.09.2025, he sought fifteen days on the ground of age-related ailments. On 22.09.2025, a representative of the Society appeared and again sought further time. The requests were declined.

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13.30. The respondents dispute the circumstances relied upon for seeking time and refer to CCTV footage to contend that the petitioner was present at the Society's office. It is unnecessary for this Court to enter into that disputed question. The CCTV footage is therefore not relied upon. The learned Advocate General has also recorded the submission made on behalf of the petitioner that he had not travelled and was in Bengaluru. This Court proceeds on the basis of that submission.

13.31. What remains is that the first request for time was made on one ground and the subsequent request was made on a different ground. When the matter had already been pending for several months, the authority was entitled to decide whether another adjournment was necessary. The refusal of an adjournment, by itself, is not a denial of natural justice. The relevant question is whether, after refusing further time, the Society was left without a real opportunity to put forward its case.

13.32. On the facts of this case, the answer is no. The Society had notice of the proposed action; it

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was represented on 22.09.2025; the matter was not finally decided on that day; and the order was made only on 30.09.2025. The Society could have placed before the State Government its specific case against the appointment of an Administrator during this period. The material placed before the Court shows that the requests made on 17.09.2025, 20.09.2025 and 22.09.2025 were requests for further time. There is no material showing that the Society was prevented from placing a substantive response to the proposed appointment itself.

13.33. The order dated 23.09.2025 passed in W.P.No.29086/2025 requires separate consideration. The petitioner contends that the subsequent appointment of the Administrator was contrary to that order because the appointment prevented the Annual General Body Meeting fixed for 05.10.2025.

13.34. On the terms of the order as placed before this Court, that submission cannot be accepted. The order permitted the Annual General Body Meeting to proceed, but also directed that the

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proceedings under Section 27A and any resolution passed at the meeting would remain subject to the orders of the Court. Thus, the order did not bring the Section 27A proceedings to an end. It contemplated that those proceedings could continue, while leaving their ultimate effect subject to further orders of the Court.

13.35. The same order also required the outcome of the enquiry to be placed before the Court before it was implemented. The State Government informed the Court on 30.09.2025 about the appointment. The learned Advocate General submits that the Administrator did not immediately take charge and that the order was placed before the Court in compliance with the direction dated 23.09.2025. No subsequent order staying or setting aside the appointment has been brought to the notice of this Court. W.P.No.29086/2025 was subsequently dismissed as infructuous on 19.06.2026.

13.36. The order dated 23.09.2025 also directed that a fresh date be fixed for the enquiry, which had not taken place on 22.09.2025. The material

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presently before this Court does not establish whether such a fresh date was thereafter fixed. The petitioner, however, has not made non-fixing of a fresh date the basis of the present challenge. His grievance, as advanced on this point, is that the appointment of the Administrator prevented the Annual General Body Meeting. That grievance does not establish a violation of the order dated 23.09.2025. Any allegation of non-compliance with that order was a matter for consideration in W.P.No.29086/2025 itself.

13.37. The next question is whether the material relied upon by the petitioner was considered before the order dated 30.09.2025 was made. Here, a distinction has to be maintained between the response to the Section 27A notice and the replies filed in the Section 25 enquiry.

13.38. The material directly submitted in response to the Section 27A notice consisted, on the record placed before this Court, of the requests for further time made on 17.09.2025, 20.09.2025 and 22.09.2025. Those requests were considered and rejected. The petitioner may

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dispute the correctness of that decision, but it cannot be said that the requests themselves were ignored.

13.39. The petitioner, however, relies principally upon his replies to the seventeen charges. The last of those replies was submitted on 24.09.2025. Those replies were part of the Section 25 proceedings and were directed to the enquiry into the allegations. They were not, in form, a response to the separate question whether an Administrator should be appointed under Section 27A.

13.40. This distinction is material. The State Government was not required, while exercising power under Section 27A(1)(c), to finally decide whether each of the seventeen charges was proved. As held while considering Point No. (ii), the Section 25 enquiry and the power under Section 27A serve different purposes. The former is principally concerned with examining the constitution, working and financial condition of the Society; the latter concerns the temporary management of the Society where the statutory requirements are satisfied. The



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State Government could therefore act before the Section 25 enquiry reached its final conclusion.

13.41. This, however, does not mean that material placed before the State Government could be ignored merely because it arose from the Section 25 proceedings. If a material circumstance was relevant to the question whether an Administrator was necessary, it could not be disregarded merely because it had originated in another proceeding. The Court must therefore examine what the material actually established and whether its omission from the order dated 30.09.2025 demonstrates non-application of mind.

13.42. The petitioner's principal reliance is on the fact that, by 24.09.2025, he had submitted replies to the charges and, according to him, had also furnished the relevant documents. His case is that this showed that the Society was cooperating with the enquiry and that there was consequently no continuing justification for appointing an Administrator to secure records or facilitate the enquiry.



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13.43. That circumstance may be relevant, but it does not by itself determine the Section 27A question. The appointment of an Administrator was not an adjudication upon the truth of the charges. Nor was the State Government required to decide that the replies were either correct or incorrect before passing an interim order. The relevance of the replies lies in what they may show about the need for an Administrator and the public interest said to justify the appointment. That aspect is examined while considering the substance and purpose of the order under Points (iv) and (v).

13.44. The subsequent final report dated 09.01.2026 though may support does not alter the legal position as it stood on 30.09.2025. The Administrator had already been appointed by then. The later report may have relevance to the continuation or extension of the arrangement, but it cannot retrospectively supply a basis for the original appointment. This distinction is important because the legality of the order dated 30.09.2025 must be tested on the material then available.



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- 13.45. The petitioner relies on paragraph 25 of **S.L. Kapoor**, where the Hon'ble Supreme Court cautioned that natural justice cannot be dispensed with merely because facts are admitted or considered indisputable. That principle is not in dispute. The Court has not treated the allegations as proved merely because they were serious, nor has it held that a hearing was unnecessary. The Court has found that the Society was expressly informed of the proposed action and was given an opportunity to respond.
- 13.46. The submission based on paragraphs 17 and 20 of **S.L. Kapoor** stands on a different footing. Those paragraphs concern the consequence of a breach of natural justice and the limited circumstances in which a Court may consider whether a fresh hearing would make any difference. Since this Court finds that there was no denial of a reasonable opportunity in the first place, the question whether a hearing would have produced a different result does not arise. The present conclusion is therefore not based on a "*no difference*" theory.

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13.47. The principle in ***Ravi Yashwant Bhoir v. District Collector, Raigad*** also requires strict adherence to the statutory procedure where an elected body or office-bearer is sought to be displaced. Section 27A has a serious consequence: by virtue of sub-section (3), the governing body ceases to exercise its powers during the Administrator's tenure. The requirement of an effective opportunity must therefore not be treated as an empty formality.

13.48. The Court has accordingly examined not merely whether a notice was issued, but whether the Society knew the proposed action, had an opportunity to respond, sought further time, was represented when the matter was taken up, and had the period between 22.09.2025 and 30.09.2025 before the final order was made. On these facts, the refusal of further time did not reduce the opportunity to a mere formality.

13.49. There is one further aspect which should be made clear. The fact that the order dated 30.09.2025 may not set out or discuss each of the replies to the seventeen charges does not,

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by itself, establish a breach of natural justice. Those replies addressed the truth of the charges in the Section 25 enquiry. The question before the State Government under Section 27A was whether, on the material then available and after its own enquiry, temporary displacement of the governing body was necessary in the public interest. The two questions overlap in their factual background but are not identical.

13.50. Whether the State Government properly considered the material bearing upon the necessity of appointing an Administrator, including the petitioner's assertion that he had responded to the charges and supplied documents, is therefore not answered merely by asking whether every reply was mentioned in the order. The substance of that material and its relevance to the statutory purpose must be examined while considering the State Government's satisfaction under clause (c) and the purpose for which the power was exercised. Those matters arise under Points (iv) and (v).

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13.51. The respondents' broader submission that the petitioner's conduct over the preceding months showed lack of cooperation need not be finally determined for the purpose of this point. The extent of cooperation is disputed. The finding on natural justice can rest on the undisputed procedural sequence: the earlier notices, the Section 25 proceedings, the specific notice dated 15.09.2025 proposing an Administrator, the requests for time, the appearance on 22.09.2025, the intervening period before the order of 30.09.2025, and the absence of any material showing that the Society was prevented from placing its case against the proposed appointment.

13.52. The Court therefore finds that the Society was given notice of the proposed action and a real opportunity to place its case before the Administrator was appointed. The refusal to grant the further period sought did not, in the circumstances of this case, amount to denial of natural justice. The material relied upon by the petitioner in the Section 25 enquiry stands on a different footing and does not, merely because it was not separately discussed in the order

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dated 30.09.2025, establish that the statutory opportunity under Section 27A was denied. Its relevance to the State Government's satisfaction as to public interest and to the purpose of the appointment is considered separately.

13.53. This Court answers Point No. (iii) by holding that before appointing the Administrator, the State Government issued a specific notice dated 15.09.2025 informing the Society of the proposed action under Section 27A(1)(c). The Society sought further time on more than one occasion and was represented on 22.09.2025. Although the period initially fixed for objections was short, the final decision was taken only on 30.09.2025, and the material placed before this Court does not establish that the Society was denied a real opportunity to present its case against the proposed appointment. The replies to the seventeen charges formed part of the separate Section 25 enquiry. Their absence from the order dated 30.09.2025, by itself, does not establish violation of natural justice. The significance of those replies to the necessity and purpose of appointing an

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Administrator is considered under Points (iv) and (v).

14. **Answer to Point No. (iv): Whether the State Government was justified in forming the opinion that appointment of an Administrator was necessary in the public interest within the meaning of Section 27A(1)(c) of the Act?**

14.1. Sri. Jaykumar S. Patil, learned Senior Counsel for the petitioner, submitted that the appointment of an Administrator is an exceptional measure. It takes away, at least for the period of the Administrator's appointment, the powers of an elected governing body. The power under Section 27A(1)(c) must therefore be exercised only when the statutory requirement of necessity in public interest is clearly made out. Mere allegations of irregularity against the managing committee or its office-bearers are not sufficient.

14.2. Reliance was placed on ***State of Madhya Pradesh and Others v. Sanjay Nagayach and Others*** [(2013) 7 SCC 25], particularly paragraphs 35 and 42.1. It was submitted that an elected body ordinarily has a right to continue for its term and that its supersession

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is an exception. The State cannot displace an elected body unless the circumstances fall within the power conferred by the statute and justify such action. According to the petitioner, no such exceptional circumstances existed in the present case.

14.3. The petitioner had, by then, furnished his replies and documents in the enquiry. The Section 25 Enquiry Officer also had statutory powers to call for and inspect the records. Therefore, even if the object was to secure documents or facilitate the enquiry, there was no need to remove the elected management and place the Society under an Administrator.

14.4. Reliance was also placed on **Ravi Yashwant Bhoir v. District Collector, Raigad & Ors.** [2012 4 SCC 407], particularly paragraph 33. It was submitted that an elected office-bearer has a valuable statutory right to continue in office. Since removal before expiry of the term has serious consequences, including the possibility of stigma, the statutory conditions must be strictly satisfied and a clear case must be made out before such a step is taken.

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14.5. The actual arrangement made under the impugned order was also relied upon. According to the petitioner, the Administrator has taken over only the functions of the President, Secretary and Treasurer, while the Executive Committee and other office-bearers continue. This, according to the petitioner, shows that there was no breakdown of the Society's administration requiring the displacement of the elected management.

14.6. It was further submitted that the Society had regularly conducted its Annual General Body Meetings in 2021 and 2022. The dispute concerning the subsequent Annual General Body Meeting arose only later and resulted in W.P.No.20919/2025. Apart from that dispute, the elected office-bearers continued to discharge their functions in accordance with the bye-laws.

14.7. Reliance was placed on ***S.L. Kapoor v. Jagmohan*** [(1980) 4 SCC 379], particularly paragraph 25. It was submitted that even where there are alleged irregularities or lapses on the part of a managing committee or an

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office-bearer, those circumstances do not, by themselves, establish that supersession or displacement of the elected management is necessary. The authority must still examine whether the statutory power is required to be exercised in the circumstances of the particular case.

14.8. The petitioner's submission, in substance, is that the material available on 30.09.2025 showed an ongoing enquiry, and not a situation in which the continued functioning of the elected management had become contrary to public interest. The State Government therefore could not treat the pendency of allegations or the need to obtain records as sufficient reason to appoint an Administrator.

14.9. The learned Advocate General submitted that the Society is not an ordinary private association. The Kannada Sahitya Parishattu has activities across the State through its district and taluk units and conducts literary and cultural programmes, conferences and publications connected with the promotion of the Kannada language, literature and culture.

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Its functioning therefore has an impact extending beyond the members of its governing body.

14.10. The State Government has also been associated with the activities of the Society and has provided financial assistance to it. The administration and utilisation of such public funds are matters of legitimate public concern. Any serious disruption in the governance or financial administration of the Society could therefore have consequences beyond its internal affairs.

14.11. The material before the Government included serious allegations concerning the administration and use of funds, together with the circumstances in which the Section 25 enquiry was being conducted. The State Government was entitled to take those circumstances into account while deciding whether temporary administrative intervention was necessary.

14.12. Section 27A(1)(c) does not require the State Government to wait until every allegation has been finally established before appointing an

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Administrator. The provision permits temporary intervention where, after enquiry, the Government considers such intervention necessary in public interest. The opinion is therefore to be formed on the material available at the time of the decision.

14.13. The purpose of the appointment was not to punish the petitioner or to finally determine the allegations against him. It was a temporary administrative measure intended to ensure the continued functioning of the Society, protect its affairs while the allegations were being examined, and enable its administration to continue without being affected by the dispute concerning its management.

14.14. Reliance was placed on ***K. Shivanna v. State of Karnataka*** [W.P.No.33814/2025, decided on 28.11.2025], particularly paragraph 11.8. It was submitted that the legislative purpose behind Section 27A shows that the provision is intended to meet situations in which difficulties in the management of a society may affect the public interest, particularly where the society

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receives Government assistance or performs functions having a wider public significance.

14.15. The fact that the existing governing body was elected does not, by itself, prevent action under Section 27A. The statute expressly contemplates appointment of an Administrator even where a governing body exists. The relevant question is therefore whether the requirements of clause (c) were satisfied in the circumstances of the case.

14.16. The State Government's opinion must be tested with reference to the material that was before it on 30.09.2025. The Court is not required, while examining that decision, to substitute a final finding on the truth of each allegation for the temporary assessment which the statute entrusted to the State Government.

14.17. It was accordingly submitted that the material before the Government, viewed as a whole, provided a sufficient basis for its opinion that temporary intervention in the administration of the Society was necessary in public interest.

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14.18. Prof. Ravi Varma Kumar, learned Senior Counsel for respondent No.5, submitted that the Society was established on 05.05.1915 and has a long history of promoting Kannada language, literature, art, folklore and culture. It has been associated with eminent literary figures, including Dr. Masti Venkatesha Iyengar, Sri B.M. Srikantaiah and Dr. Hampa Nagarajaiah.

14.19. It was submitted that the Society conducts literary and cultural programmes and performs activities extending across the State. Its continued proper administration is therefore of public importance.

14.20. Prof. Ravi Varma Kumar further submitted that, according to the material relied upon by respondent No.5, the acts and omissions attributed to the petitioner resulted in a financial loss of Rs.7,42,88,049/-, for which surcharge proceedings are proposed. It was submitted that the alleged financial loss and the manner in which the Society was administered justified the State Government's intervention.

14.21. According to respondent No.5, the appointment of the Administrator was intended to protect

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the Society and its affairs pending examination of the allegations and was not a final determination of the petitioner's liability.

14.22. The submission, therefore, is that the State Government had sufficient material before it to form the opinion required by Section 27A(1)(c), and that the temporary displacement of the existing management was justified in the circumstances.

14.23. Before examining the validity of the opinion formed by the State Government, it is necessary to identify the scope of judicial review. Section 27A(1)(c) does not make the Court's opinion the statutory test. The power is conferred on the State Government, which may appoint an Administrator when, on enquiry, it considers such appointment necessary in the public interest. The question for this Court is therefore not whether it would itself have appointed an Administrator. The question is whether the State Government had relevant material before it on 30.09.2025 on which such an opinion could reasonably be formed, whether that material had a rational connection

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with public interest, and whether the statutory power was exercised for the purpose for which it was conferred.

14.24. This follows from the authorities relied upon by the parties. In ***Bharata Ratna Mokshagundam Viswaawaraiah Education Society v. District Registrar (Deputy Commissioner), Kolar*** [1984 SCC Online Kar. 122], the satisfaction under the provision is that of the State Government. In ***Amiya Vilas Swami v. Shankha Brita Das*** [2007 SCC Online Kar. 432], the power is described as the discretion of the State Government. In ***Islamiah Institute of Technology Employees Union & Ors. v. State of Karnataka*** [2003 SCC Online Kar. 158], this Court held, in the context of the satisfaction of the Registrar, that the Court should not substitute its own satisfaction for that of the statutory authority. The same principle applies here.

14.25. This does not mean that the State Government's opinion is beyond review. The Court can examine whether there was relevant

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material, whether irrelevant matters were taken into account, whether relevant matters were ignored, and whether the opinion bears a rational connection with the statutory requirement of public interest. If the opinion has no supporting material or is founded on considerations unrelated to the statute, the Court can interfere. What the Court cannot do is substitute its own assessment of the desirability of an Administrator for the opinion which the statute entrusts to the State Government.

14.26. **S.L. Kapoor v. Jagmohan** [(1980) 4 SCC 379] also supports this approach. In paragraph 25, while dealing with the question whether the conduct of a municipal committee disclosed incompetence or abuse of power, the Hon'ble Supreme Court observed that the matter was one for the State Government to decide on the facts of each case. The decision therefore does not require the Court to decide for itself whether the statutory authority should have exercised its power. Its immediate concern was that the affected body must first be given a proper opportunity to meet the proposed

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action. That requirement has already been considered under Point (iii).

14.27. **Meaning of public interest:** The next question is the meaning of "*public interest*" in Section 27A(1)(c). The expression is not separately defined in the Act. The explanatory material referred to in ***K. Shivanna v. State of Karnataka***, particularly paragraph 11.8, is relevant to understanding the legislative purpose. It refers to societies which receive substantial Government aid or run large educational institutions and recognises that a serious disruption in their management may cause hardship or harm to persons beyond the members of the society and thereby affect public interest.

14.28. The provision is therefore not concerned only with an internal dispute between members of a society. Where the affairs of a society have a substantial public dimension, the manner in which its management is conducted can become a matter of public interest. Receipt of Government assistance is one relevant consideration. The nature and extent of the

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society's activities, the character of the funds being administered, the persons affected by its functioning, and the nature of the problem requiring intervention are also relevant.

14.29. At the same time, the expression "*public interest*" cannot be treated as a label which by itself justifies appointment of an Administrator. There must be some material connecting the circumstances of the case with the public interest. The fact that a society is well known, or receives Government assistance, cannot by itself justify displacement of an elected body. The Court must therefore examine the material which was actually before the State Government when the order was made.

14.30. **Material available on 30.09.2025:** The order under challenge was passed on 30.09.2025. Its validity must therefore be tested on the material available to the State Government on that date. Subsequent developments may explain what happened later, but they cannot retrospectively supply a justification which was absent when the order was made.

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14.31. The first relevant circumstance is the nature of the Society. The material placed before the Court shows that the Society is an institution with activities extending across the State through its district and taluk units. It is engaged in the promotion of the Kannada language, literature and culture and receives substantial financial assistance from the State Government. The petitioner has not disputed the receipt of such substantial Government grants. Indeed, one of the charges in the enquiry concerns the management of grants received from the Government and other sources.

14.32. The public character of the Society is relevant, but it is not by itself sufficient. What is more important is the connection between that public character and the subject matter of the enquiry.

14.33. The second circumstance is the nature of the allegations which were under examination. The 17 charges related, among other things, to Government grants, grants released to district and taluk units, CSR funds, the accounts of the Akhila Bharata Kannada Sahitya Sammelan at

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Haveri and Mandya, vehicles, buildings, equipment, printing, identity cards, staff appointments, foreign travel, audit objections raised by the Karnataka State Audit Department and the recording of resolutions.

14.34. These were not merely allegations concerning an internal difference between members of the Society. Several of the charges concerned the handling and accounting of money, including Government funds, and the administration of activities carried out in the name of the Society. The allegations therefore had a direct connection with the financial and administrative functioning of an institution receiving public assistance.

14.35. The third circumstance is the position of the petitioner. The allegations under enquiry concerned the administration of the Society during the period in which the petitioner was its President. The State Government was therefore considering whether the existing management should continue to exercise control over the affairs and funds of the Society while

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allegations concerning that administration remained under examination.

14.36. The fourth circumstance is the stage reached in the enquiry. Complaints had been raised from April 2025. Notices had thereafter been issued, and a statutory enquiry under Section 25 had commenced in July 2025. By September 2025, the enquiry was still pending. The parties disagree about the extent to which the petitioner had answered all the charges. That disputed question has been considered under Point (i) and need not be decided again here.

14.37. What is relevant for the present purpose is that the enquiry had not concluded when the State Government acted. The State Government therefore had before it a live enquiry concerning allegations relating to the management of the Society and its funds.

14.38. The learned Advocate General further submitted that the interim material collected during the enquiry, including audit records, TDS records, Form-16A and other financial documents, disclosed alleged financial irregularities and other serious lapses. That

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material formed part of the basis on which the recommendation for action reached the State Government.

14.39. At this stage, the Court is not required to decide whether those allegations were ultimately proved. The relevant question is narrower: whether the material available to the State Government was capable of giving rise to a concern which fell within the expression "public interest".

14.40. **Whether the material could support the statutory opinion:** When the above circumstances are considered together, the connection with public interest is apparent. The Society had a State-wide role and received Government funds. The allegations under examination included the handling of such funds and the financial administration of major institutional activities. The enquiry was pending, and the allegations concerned the management in office at the time.

14.41. In those circumstances, the State Government could legitimately consider whether the existing management should continue to control the

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affairs and finances of the Society until the allegations were examined. That is materially different from appointing an Administrator merely because there was an internal disagreement or because some procedural irregularity had occurred.

14.42. The appointment was also not, in substance, a final determination of the allegations. Section 27A provides for a temporary arrangement. The statutory scheme itself contemplates that the Administrator's tenure is limited and that steps are to be taken for the constitution of the governing body in accordance with the Act. The temporary character of the measure is relevant in assessing the nature of the power exercised.

14.43. This Court therefore does not proceed on the basis that the allegations were proved. Nor does the appointment itself amount to a finding of guilt against the petitioner. The finding is only that the allegations, the material collected during the enquiry, the public funds involved, and the nature of the Society provided relevant material on which the State Government could

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form an opinion that temporary intervention was necessary in the public interest.

14.44. **Effect of the fact that the management was elected:** The petitioner relies strongly on ***State of Madhya Pradesh v. Sanjay Nagayach*** [(2013) 7 SCC 25], particularly paragraph 42.1, where the Hon'ble Supreme Court observed that supersession of an elected Managing Committee or Board is an exceptional measure and that, ordinarily, an elected body should be permitted to complete its term.

14.45. There is no disagreement with that principle. An elected governing body is entitled to continue for its statutory term unless the conditions for its displacement are made out. The fact that Section 27A confers power to appoint an Administrator does not mean that the power can be exercised as a matter of routine.

14.46. The question, therefore, is whether the circumstances before the State Government were sufficiently serious to justify departure from the normal rule of allowing an elected body to continue. In the present case, the relevant circumstances were not merely the

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existence of complaints. They were the combination of the public character of the Society, the Government assistance received by it, allegations concerning the handling of public funds and other institutional funds, the position of the petitioner in the administration, and the fact that the statutory enquiry remained pending.

14.47. These circumstances provided a basis for treating the matter as one requiring temporary intervention rather than as an ordinary internal dispute. The principle in ***Sanjay Nagayach*** therefore does not prevent the exercise of the power; it requires the Court to examine carefully whether there was sufficient material to justify the exceptional step. On that examination, there was such material.

14.48. The observation in paragraph 35 of ***Sanjay Nagayach*** that a legally elected Board cannot be removed by an illegal order must also be understood in the context of that case. There, the Hon'ble Supreme Court found that the statutory authority had acted in circumstances involving extraneous influence and dictation

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and had taken an unusually long period to make the order. Those circumstances are not shown in the present case. The question of the manner in which the present order was made is considered separately under Point (v).

14.49. **Effect of the petitioner's right as an elected office-bearer:** The petitioner also relies on ***Ravi Yashwant Bhoir v. District Collector, Raigad & Ors.*** [2012 4 SCC 407], particularly paragraph 33, where the Supreme Court recognised the importance of the right of an elected office-bearer to hold office and observed that a clear case must be made out before such a right is taken away.

14.50. That principle also has to be applied. The petitioner was an elected office-bearer and his right to continue in office could not be displaced on the basis of a vague or unsupported allegation. The Court has therefore examined whether there was a clear and relevant basis for the State Government's decision.

14.51. There is, however, a distinction between the action considered in ***Ravi Yashwant Bhoir*** and the present statutory arrangement. The present

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case concerns the temporary appointment of an Administrator under Section 27A. The provision itself contemplates such intervention notwithstanding the existence of an elected governing body. The appointment does not, by itself, record a final finding that the petitioner committed the acts alleged against him.

14.52. The distinction does not reduce the level of scrutiny. It only explains the nature and purpose of the power. The elected status of the petitioner is an important consideration, but it cannot override an express statutory power when the conditions for its exercise are otherwise satisfied.

14.53. **Scope of the Administrator's intervention:**

The petitioner submits that the Administrator has taken over only the functions of the President, Secretary and Treasurer, while the Executive Committee and other office-bearers continue to function. It is argued that this limited intervention itself shows that there was no justification for displacing the elected management.

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14.54. Section 27A(3) provides for the cessation of the governing body's exercise of its powers during the Administrator's appointment and permits the Administrator to discharge the functions in accordance with the directions of the State Government. The precise administrative arrangement must therefore be examined with reference to the statutory scheme and the order actually made.

14.55. If, as the petitioner submits, the intervention was confined in practice to the offices most directly concerned with administration and financial control, that circumstance does not establish that the statutory opinion was without basis. At most, it bears upon the manner and extent of the intervention. A limited intervention cannot logically be treated as proof that no intervention was necessary.

14.56. In any event, the validity of the State Government's opinion must be tested on the material existing when the order was passed. The subsequent manner in which the Administrator functioned cannot by itself



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determine whether the original opinion was lawfully formed.

14.57. **Earlier functioning of the Society:** The petitioner points out that the Society had held its Annual General Body Meetings in 2021 and 2022 and that its elected office-bearers had otherwise continued to function. This history is not disputed. It does not, however, answer the issue arising under clause (c).

14.58. The order under challenge was not passed on the ground that the Society had failed to hold an Annual General Body Meeting. Such a circumstance falls under a different statutory ground. The State Government proceeded under Section 27A(1)(c), on the basis of the circumstances arising from the administration of the Society and the pending enquiry.

14.59. The fact that meetings had been held in earlier years therefore does not address the later allegations concerning the handling of funds and the administration of the Society. Nor does this Court rely on the delay concerning the 2023-24 meeting as a ground for upholding the order. The circumstances relating to that

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meeting were separately the subject matter of proceedings before this Court, and charge No.16 was also not ultimately the subject of a finding in the enquiry.

14.60. **Effect of the petitioner's replies and production of documents:** The petitioner submits that, by 30.09.2025, he had furnished replies and documents and that there was therefore no continuing reason to appoint an Administrator, particularly to protect or secure the Society's records.

14.61. The submission proceeds on the assumption that protection of records was the sole or principal reason for the State Government's action. The material does not require that conclusion. The concern before the State Government was broader: whether the existing management should continue to control the affairs and funds of a Government-assisted institution while serious allegations concerning that administration were still under examination.

14.62. The fact that replies had been submitted did not conclude the enquiry or establish that the

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allegations were false. The replies were material to the enquiry and had to be considered by the Enquiry Officer in determining the truth of the charges. They did not, by themselves, remove the concern which the State Government was entitled to consider under Section 27A(1)(c).

14.63. Nor can the Court use the later result of the enquiry to test the correctness of the State Government's opinion as though the State Government had that result before it on 30.09.2025. The relevant question is what could reasonably have been concluded from the material then available.

14.64. **Material arising after 30.09.2025:** Prof. Ravi Varma Kumar relied on the alleged loss of Rs.7,42,88,049/- and the proposed surcharge proceedings. Those matters require separate treatment because the State Government's order was made on 30.09.2025.

14.65. The final enquiry report is stated to be dated 09.01.2026. The figure of Rs.7,42,88,049/- and the proposed surcharge proceedings have not

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been shown to have formed part of the material before the State Government on 30.09.2025.

14.66. Material which came into existence after the impugned order cannot be used to retrospectively supply a reason for that order. This Court therefore does not rely on the alleged loss or the subsequent surcharge proceedings in determining whether the State Government's opinion on 30.09.2025 was justified.

14.67. Likewise, no finding is recorded in this point as to whether any loss was actually caused, the amount of such loss, or the liability of any office-bearer. Those questions must be decided in the appropriate proceedings under the Act.

14.68. **Overall assessment:** The question is ultimately whether the State Government had a sufficient and relevant basis, on 30.09.2025, to form the statutory opinion that appointment of an Administrator was necessary in the public interest.

14.69. The material then available showed that the Society was a State-wide institution receiving



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Government assistance; that the allegations under enquiry included the handling of Government and other institutional funds and the financial administration of major Society activities; that the allegations concerned the administration during the tenure of the existing office-bearers; and that the statutory enquiry was still pending.

14.70. These circumstances had a direct connection with the public interest contemplated by Section 27A(1)(c). They were not matters confined to a private dispute between members. The State Government could therefore reasonably consider that temporary intervention was required while the allegations were being examined.

14.71. This Court is conscious that the appointment of an Administrator affects an elected body and must not become a routine response to complaints. The principles stated in **Sanjay Nagayach** and **Ravi Yashwant Bhoir** require careful scrutiny before an elected management is displaced. That scrutiny has been undertaken. The material before the State



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Government was not confined to the existence of complaints; it included the nature of the Society, the public funds involved, the subject matter of the allegations, the position of the petitioner in the administration and the stage of the statutory enquiry.

14.72. At the same time, the Court does not hold that any of the allegations were proved as on 30.09.2025. Nor does it approve or reject the merits of those allegations. The limited finding is that they were matters which the State Government was entitled to take into account in deciding whether temporary administrative intervention was necessary in the public interest.

14.73. No irrelevant consideration has been shown to have been relied upon for forming that opinion. Nor has it been demonstrated that the opinion was unrelated to the purpose of Section 27A(1)(c). The Court therefore finds no ground, on this aspect, to substitute its own view for that of the State Government.

14.74. This Court answers Point No. (iv) by holding that the State Government was justified in

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forming the opinion that appointment of an Administrator was necessary in the public interest under Section 27A(1)(c) of the KSR Act. The opinion was based on relevant material available on 30.09.2025, including the public character and State-wide activities of the Society, its receipt of Government funds, the nature of the allegations concerning the administration of those funds and other institutional funds, the material emerging from the pending statutory enquiry, the recommendation placed before the State Government, and the fact that the enquiry had not yet concluded.

14.75. This finding is confined to the legality of the State Government's opinion under Section 27A(1)(c). It is not a finding that the allegations against the petitioner are proved. Those allegations remain to be dealt with in the proceedings provided by law.

15. **Answer to Point No. (v): Whether the order dated 30.09.2025 appointing the Administrator is vitiated by non-application of mind, arbitrariness, malice in law or exercise of power for a purpose not authorised by Section 27A of the Act?**

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15.1. Sri. Jaykumar S. Patil, learned Senior Counsel for the petitioner, relying on ***Ravi Yashwant Bhoir v. District Collector, Raigad & Ors.*** [2012 4 SCC 407] (Paragraphs 47, 48 and 70), submitted that a statutory authority must act fairly and within the limits of the power conferred upon it. If a statutory power is exercised for a purpose other than the purpose for which it was granted, the action amounts to malice in law and cannot be sustained. An elected office-bearer cannot be displaced in a casual or arbitrary manner without strict compliance with the statutory safeguards.

15.2. It was submitted that Section 27A cannot be used for a purpose which the provision does not contemplate. According to the petitioner, if the real purpose of appointing the Administrator was merely to secure the Society's records or to facilitate the pending enquiry, there was no need to invoke Section 27A. The Enquiry Officer already had power under Section 25 to obtain and secure the necessary records. The use of Section 27A for that purpose would therefore amount to an exercise of power for an unauthorised purpose.

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15.3. Relying on ***Kalabharati Advertising v. Hemant Vimalnath Narichania*** [(2010) 9 SCC 437] (Paragraphs 25, 30 and 31), it was submitted that malice in law does not require proof of personal ill-will or hostility. The exercise of statutory power for an indirect or oblique purpose is sufficient. According to the petitioner, the present case falls within that principle because the power under Section 27A was used for a purpose different from the one contemplated by the provision and, in the process, the rights of the elected office-bearers were disregarded.

15.4. Relying on ***Zenit Mataplast P. Ltd. v. State of Maharashtra & Ors.*** [(2009) 10 SCC 388] (Paragraphs 27, 28, 29, 39 and 40), it was submitted that State action must be taken in good faith and for the purpose for which the power has been conferred. Where arbitrariness, bias or colourable exercise of power is alleged, the Court is required to examine the circumstances in which the decision was taken. According to the petitioner, the sequence of events shows undue haste. The Administrator was appointed without properly considering the

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petitioner's explanation and documents and, therefore, the decision-making process was neither fair nor bona fide.

15.5. Relying on ***State of Madhya Pradesh and Others v. Sanjay Nagayach and Others*** [(2013) 7 SCC 25] (Paragraphs 35, 40 and 41), it was submitted that an elected managing body cannot be displaced except in accordance with law. The petitioner contends that the order dated 30.09.2025 travels beyond the purpose and limits of Section 27A and therefore cannot be sustained.

15.6. It was further submitted that, notwithstanding the challenge to the appointment before this Court, the Administrator entered the Society's premises with police protection and took steps to secure its records. According to the petitioner, this subsequent conduct supports his contention that the real object of the appointment was to obtain control over the records and facilitate the enquiry rather than to meet any genuine requirement of public interest under Section 27A(1)(c).

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15.7. On these grounds, it was submitted that neither the Registrar nor the State Government acted bona fide and that the order dated 30.09.2025 is liable to be set aside.

15.8. The learned Advocate General opposed the above submissions and submitted that there is no material to show that the State Government acted with bias, favouritism, personal interest or any other improper motive. The allegation of haste is based only on the dates of the proceedings and does not establish that the statutory power was exercised for a purpose foreign to Section 27A.

15.9. The State Government exercised the power for the very purpose contemplated by Section 27A(1)(c), namely, to ensure proper administration of the Society in public interest. The appointment was not made merely to secure documents. It followed the material emerging from the enquiry and the continuing allegations concerning the Society's administration and financial affairs.

15.10. Relying on ***Somiya Gurjar v. State of Rajasthan*** [(2021) SCC OnLine Raj 713]

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(Paragraphs 39 to 41), it was submitted that a decision cannot be treated as arbitrary merely because it was taken within a short period. The Court must examine the decision-making process and determine whether the authority considered the relevant material and acted fairly. A decision taken after such consideration does not become an instance of malice in law merely because it was taken without delay.

15.11. It was further submitted that ***Zenit Mataplast*** does not lay down that every decision taken within a short time is arbitrary. In the present case, the proceedings had been continuing for more than six months. The order dated 30.09.2025 was therefore not a sudden or isolated decision, but the result of proceedings that had already been initiated and pursued for several months.

15.12. The State accepts the principle of strict compliance emphasised in ***Ravi Yashwant Bhoir***, but submits that the safeguards applicable to the exercise of the statutory power were followed. Similarly, ***Sanjay Nagayach*** was decided on its own facts and

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does not prohibit the temporary displacement of an elected body where the statutory requirements for such action are satisfied.

15.13. It was submitted that there is also no factual or legal basis for applying the principle of legal malice stated in ***Kalabharati Advertising***. The material relied upon by the State related directly to the administration and financial affairs of the Society and to the circumstances emerging from the pending enquiry. The power was therefore exercised for the purpose for which Section 27A confers it.

15.14. In substance, the respondents submitted that the authorities relied upon by the petitioner establish the requirements of statutory compliance, fairness, application of mind and proper exercise of power. They do not create an absolute bar against the appointment of an Administrator in respect of an elected management. According to the respondents, those requirements were satisfied in the present case.

15.15. Prof. Ravi Varma Kumar, learned Senior Counsel for respondent No.5, submitted that the

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prescribed procedure was followed by the authorities and that no legal infirmity or procedural lacuna has been established which would warrant interference by this Court.

15.16. Before examining the individual grounds urged by the petitioner, it is necessary to identify the scope of the enquiry under this point. The challenge is not merely that the State Government reached a conclusion with which the petitioner disagrees. The petitioner alleges that the power under Section 27A was exercised for an unauthorised purpose, without proper application of mind, in undue haste and with legal malice.

15.17. Section 27A(1)(c) confers a statutory power on the State Government to appoint an Administrator when, on enquiry, it considers such appointment necessary in the public interest. The power must therefore be exercised for the purpose for which the Legislature has conferred it. The existence of an elected governing body does not place the Society beyond the reach of Section 27A. At the same time, the power cannot be used as a device to

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achieve an object which the provision does not authorise.

15.18. The Court must therefore examine three connected questions. First, whether the State Government had material before it which was relevant to the exercise of power under Section 27A(1)(c). Second, whether the order shows that the Government applied its mind to that material and to the statutory requirement of public interest. Third, whether there is material to show that the power was used for some collateral or unauthorised purpose.

15.19. The principle of judicial review in this context is well settled. In ***Ravi Yashwant Bhoir***, the Hon'ble Supreme Court emphasised that statutory power must be exercised fairly and within the limits of the statute.

15.20. The expression "*malice in law*" does not necessarily mean personal hostility or ill-will. It may arise where a statutory power is exercised for a purpose other than the purpose for which the power was conferred.

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15.21. The same principle is reflected in ***Kalabharati Advertising***. The Court explained that an action may be invalid where the authority uses a power for an unauthorised or oblique purpose, even though the authority may not be actuated by personal animosity. The question, therefore, is not whether any individual officer bore ill-will towards the petitioner. The question is whether the power under Section 27A was used for a purpose which that provision does not permit.

15.22. ***Zenit Mataplast P. Ltd.*** also requires the Court to examine the decision-making process where arbitrariness, bias or want of good faith is alleged. At the same time, the mere fact that a decision was taken within a short period does not, by itself, establish arbitrariness or bad faith. Haste becomes legally relevant when the surrounding circumstances show that the authority acted without considering the relevant material or for an improper purpose.

15.23. The first question, therefore, is what material was available to the State Government when it passed the order dated 30.09.2025. The

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material did not arise suddenly on that date. Complaints had been pending since April 2025. Preliminary notices were issued by the Deputy Registrar. A statutory enquiry under Section 25 was thereafter initiated, and 17 charges were framed. The enquiry proceeded through July and August 2025. An interim report was thereafter placed before the competent authorities. The State Government subsequently issued the notice dated 15.09.2025 specifically proposing action under Section 27A(1)(c).

15.24. Thus, the order dated 30.09.2025 was the culmination of proceedings which had been in progress for several months. The State Government was not called upon to decide the matter on the basis of a new allegation received immediately before the order. There was already material concerning the administration and financial affairs of the Society, an enquiry into that material and a recommendation for further action.

15.25. The petitioner nevertheless contends that the real object of the appointment was to secure

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the Society's records or to facilitate the Section 25 enquiry. If that were established, the argument would have substance, because a power conferred for securing proper administration in public interest cannot be converted into a substitute for the powers available to the Enquiry Officer in the course of the enquiry.

15.26. The record, however, does not support the proposition that securing records was the sole or principal purpose of the order. The material considered under Point (iv) shows that the State Government was concerned with the administration of a Society receiving public funds, the allegations relating to its financial affairs and the fact that the enquiry into those allegations was still pending. The appointment was therefore connected with the continuing administration of the Society while those matters were being examined.

15.27. There is an important distinction between one of the consequences of the appointment and the purpose for which the power was exercised. An Administrator taking control of the Society's

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records may make the records more secure and facilitate the enquiry. That does not mean that the appointment was made merely to obtain the records. The relevant question is whether the State Government's decision, viewed as a whole, was directed towards the statutory purpose of ensuring proper administration in public interest. On the material before the Court, it was.

15.28. The petitioner also relies upon the fact that the Enquiry Officer had powers under Section 25 to call for and secure records. That proposition is not disputed. But the existence of one statutory power for the conduct of an enquiry does not necessarily exclude another statutory power which operates for a different purpose. Section 25 concerns the enquiry into the affairs of the Society. Section 27A(1)(c) concerns the temporary management of the Society where the State Government considers such intervention necessary in public interest. The two provisions operate in different fields. The fact that action under Section 25 could also protect or obtain records does not, by itself,

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establish that Section 27A was invoked for an unauthorised purpose.

15.29. The next question is whether the State Government failed to apply its mind to the material before it. The petitioner's principal submission is that his replies and documents were not properly considered and that the order was therefore mechanical.

15.30. The Court has already considered under Point (iii) the opportunity given to the petitioner and the nature of his responses. For the present point, it is sufficient to note that the State Government had before it the proceedings already undertaken by the statutory authorities, the allegations under enquiry, the interim report and the material placed in support of the recommendation. The Government also issued its own notice proposing action under Section 27A and considered the requests for further time before passing the order.

15.31. The fact that the final order does not discuss every document or every answer placed by the petitioner does not, by itself, establish non-application of mind. An administrative order is

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not required to resemble a judgment dealing separately with every submission. What is required is that the authority must address the statutory question and act on relevant material. The order has to be read in the context of the material placed before the Government and the proceedings which preceded it.

15.32. There is also a further reason why the petitioner's replies to the individual charges cannot, by themselves, demonstrate that the State Government acted for an improper purpose. Those replies went primarily to the truth or otherwise of the 17 charges. The State Government was not, at that stage, finally adjudicating those charges. Its immediate question was whether, pending the enquiry, continued control of the Society by the existing management raised a public-interest concern warranting temporary intervention.

15.33. The petitioner's contention that the charges had substantially been answered may therefore have been relevant to the State Government's decision. But it does not follow that, once replies were filed, the State Government was

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bound to leave the existing management in control until the Section 25 enquiry was finally concluded. The two questions are distinct. The final determination of the charges belonged to the enquiry; the temporary arrangement of the Society's management was the subject of Section 27A.

15.34. The allegation of undue haste must also be considered in this context. The relevant dates are close together. The notice under Section 27A was dated 15.09.2025; it was served on 16.09.2025; requests for further time were made on 17.09.2025 and 20.09.2025; a further request was made on 22.09.2025; and the Administrator was appointed on 30.09.2025.

15.35. The proximity of these dates undoubtedly calls for scrutiny. But chronology alone cannot establish arbitrariness. The proceedings themselves had commenced several months earlier. The State Government's decision was taken after the complaints, preliminary notices, statutory enquiry, interim report and the notice under Section 27A. The decision of 30.09.2025

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was therefore not an isolated decision taken without background or material.

15.36. More importantly, there is no material before this Court to show that the State Government predetermined the result, refused to consider the material placed before it, or acted at the direction of a person who had no authority under the statute. The petitioner has pointed to the short interval between the hearing stage and the order, but has not established that the interval was so short that consideration of the material was impossible or that the decision had already been taken before the petitioner was heard.

15.37. The principle in ***Sanjay Nagayach*** does not alter this conclusion. The Hon'ble Supreme Court emphasised that an elected Managing Committee or Board should ordinarily be allowed to complete its term and that supersession is an exceptional measure. That principle has been considered under Point (iv). For the present point, what is material is that ***Sanjay Nagayach*** also involved a finding that the authority had acted in circumstances which

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rendered the order illegal. No comparable material has been established here.

15.38. The fact that the Society had an elected governing body is undoubtedly relevant. The power under Section 27A must not be exercised merely because the Government prefers one group of office-bearers over another or because there is an internal dispute in the Society. There is, however, no material before this Court to show that the appointment was made to favour or disadvantage any rival group or to secure control of the Society for an extraneous purpose.

15.39. The subsequent conduct relied upon by the petitioner also does not establish legal malice in the making of the order. It is stated that, while the order was under challenge before this Court, the Administrator entered the Society's premises with police protection and took steps to secure the records.

15.40. Those events may be relevant to a challenge to the manner in which the order was implemented. They cannot, without more, establish what was in the mind of the State

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Government on 30.09.2025. The legality of the original order must ordinarily be tested on the material and circumstances existing when the order was made. Subsequent conduct cannot be used retrospectively to create an improper purpose which is otherwise absent from the record.

15.41. The allegation that the Registrar or the State Government acted without bona fides also requires some material foundation. A finding of legal malice cannot be drawn merely because the decision adversely affected the petitioner or because the petitioner disputes the correctness of the decision. There must be material showing that the statutory power was used for a purpose outside the statute, or that irrelevant considerations materially influenced the decision.

15.42. No such material has been demonstrated. The circumstances relied upon by the petitioner, the speed with which the order followed the notice, the fact that the enquiry was still pending, the existence of powers under Section 25 and the subsequent securing of records, may give rise

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to suspicion from the petitioner's perspective. But suspicion is not enough to establish malice in law. The Court must find a link between the alleged collateral purpose and the exercise of statutory power. That link has not been established.

15.43. There is also no substance in the submission that the mere pendency of the writ petition prevented the Administrator from acting. Unless the order appointing the Administrator was stayed or otherwise suspended by a competent Court, the mere filing of a challenge did not, by itself, efface the order. Whether any particular act done by the Administrator thereafter was within the scope of the order is a separate question and need not be decided under the present point.

15.44. The Court must finally consider the argument that the order amounts to a colourable exercise of power. The doctrine is attracted when a power is apparently exercised under one statutory provision but is, in substance, used to achieve an object for which that power was not conferred. Here, the material does not disclose

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such a situation. The appointment was made expressly under Section 27A(1)(c), following an enquiry into the affairs of the Society and on the basis of concerns relating to its administration and finances. The statutory purpose and the purpose apparent from the record therefore correspond.

15.45. The Court is conscious that the appointment of an Administrator has a serious effect on an elected governing body. That is precisely why the exercise of the power requires careful scrutiny. But strict scrutiny does not mean that the Court must infer an improper purpose whenever the power is exercised against an elected body. The question remains whether the statutory conditions were addressed and whether there is material showing that the power was diverted to another end.

15.46. On the material placed before this Court, the answer is in the negative. The proceedings had been pending for several months. The State Government had before it allegations concerning the Society's administration and financial affairs, the material collected during

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the enquiry, the interim report and the recommendation for action. It issued a specific notice proposing appointment of an Administrator under Section 27A(1)(c), considered the requests for time and thereafter passed the order. The statutory purpose of the provision and the purpose apparent from the decision-making process are the same.

15.47. This conclusion does not mean that every action taken by the Administrator after 30.09.2025 is necessarily lawful. Nor does it decide whether the allegations against the petitioner are proved. Those matters are governed by the relevant statutory proceedings and, where necessary, by the separate grounds of challenge considered under the other points.

15.48. For the same reason, the Court does not find it necessary to decide whether every factual allegation made by either side concerning the conduct of the petitioner, the Registrar or the Administrator is correct. The issue under this point is narrower: whether the order dated 30.09.2025 was the product of an unauthorised purpose, non-application of mind, arbitrariness

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or legal malice. On the material available as on that date, none of those grounds is established.

15.49. This Court answers Point No. (v) by holding that the order dated 30.09.2025 appointing the Administrator is not shown to have been passed for a purpose outside Section 27A of the KSR Act. The material on record does not establish non-application of mind, arbitrariness, legal malice or colourable exercise of power. The fact that the decision was taken within a relatively short period after the notice does not, in the circumstances of the present case, establish undue haste or bad faith. The subsequent steps taken by the Administrator also do not establish that the State Government, when it passed the order, had acted for an unauthorised purpose.

16. **Answer to Point No. (vi): Whether the subsequent orders dated 30.12.2025, 31.03.2026 and 01.06.2026 extending the tenure of the Administrator are independently sustainable in law?**

16.1. Sri. Jaykumar S. Patil, learned Senior Counsel for the petitioner, submitted that the purpose for which the Administrator was initially appointed no longer survives. The Enquiry

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Officer has completed the enquiry and submitted the report to the District Registrar. Therefore, there is no continuing need for an Administrator either to secure the records or to facilitate the enquiry.

16.2. It was further submitted that a Returning Officer was appointed by the Secretary, Kannada and Culture Department, on 08.06.2026. On the same day, the petitioner was removed from the membership of the Society.

16.3. According to the petitioner, the subsequent orders extending the tenure of the Administrator require independent consideration. The original order and the orders of extension are stated to be contrary to Sections 25 and 27A of the KSR Act, violative of the principles of natural justice, and unsupported by the circumstances existing when the respective orders were passed. Once the enquiry was completed, there was no surviving basis for continuing the Administrator merely on the ground that the enquiry had to be facilitated.

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- 16.4. Relying on ***State of Madhya Pradesh and Others v. Sanjay Nagayach and Others*** [(2013) 7 SCC 25] (Paragraph 42.1), it was submitted that supersession of an elected managing body is an exceptional measure and that, ordinarily, an elected body should be permitted to complete its term.
- 16.5. The learned Advocate General opposed the above submissions and contended that the extensions were necessitated by the circumstances prevailing in the Society. They were intended to ensure completion of the necessary proceedings and to facilitate the holding of elections in a proper and orderly manner. The object was not to permanently displace the elected management.
- 16.6. Relying on ***K. Shivanna v. State of Karnataka*** [W.P.No.33814 of 2025, dated 28.11.2025] (Paragraph 11.8), it was submitted that an appointment under Section 27A is temporary and transitional in nature. The Administrator does not permanently replace the elected body. His role is to administer the Society for the period permitted by law and to

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take necessary steps towards convening the general body and conducting elections.

16.7. It was therefore submitted that the orders extending the tenure of the Administrator cannot be examined in isolation. They must be considered in the context of the circumstances that led to the original appointment and the subsequent steps taken towards completion of the proceedings and conduct of elections.

16.8. Prof. Ravi Varma Kumar, learned Senior Counsel for respondent No.5, submitted that the original order appointing the Administrator was for a fixed period and that period has expired. Consequently, the challenge, insofar as it relates to the original period of appointment, does not survive for consideration. The surviving issue is the validity of the subsequent orders extending the tenure. It was submitted that, under the statutory scheme, the tenure of an Administrator can be extended, subject to the overall period prescribed by law, up to four years.

16.9. It was further submitted that, once an Administrator is appointed, the governing body

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ceases to exercise its powers in accordance with Section 27A. According to respondent No.5, the Administrator's tenure comes to an end either upon an order of a competent Court setting aside the appointment or upon the holding of elections in accordance with Section 27A(4). The cessation of the governing body's functioning is therefore a consequence of the statutory scheme and not a ground to invalidate the subsequent extensions.

16.10. It was submitted that the Enquiry Officer's report was dated 09.01.2026. The report was accepted by the Registrar on 12.01.2026 and forwarded to the State Government on 14.01.2026. According to respondent No.5, the charges were found proved in the report.

16.11. It was also submitted that the enquiry was delayed because the petitioner did not co-operate with the proceedings and that the subsequent extensions were therefore necessary to carry the statutory process forward.

16.12. The power to extend is found in the proviso to Section 27A(1). The proviso and sub-sections

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(3) and (4) have been extracted and explained under Point (ii), and that is not repeated here. Sub-section (5), which is relied on for the first time under this point, reads:

"(5) if the Administrator is not, for reasons beyond his control, able to convene the general body meeting or inspite 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;"

16.13. If the Administrator cannot call the meeting for reasons beyond his control, or if the general body fails to elect a governing body, he must at once report to the State Government. The State Government may then extend his term or, if public interest requires, dissolve the society. Read with the proviso and sub-section (4), the scheme is simple. An Administrator's term can be extended only by written orders giving reasons, six months or less at a time, for not more than four years in all, and the Administrator's task is to take the society to an election.

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16.14. What is required to be considered is whether the orders of extension are "*independently sustainable*". This Court accepts that each extension must stand on its own feet. The proviso requires "*reasons to be recorded in writing*" for each extension. An extension is not an automatic follow-on from the first order. At the date of each extension, there must be a reason, within the scheme of Section 27A, for the Administrator to continue.

16.15. The principle stated in ***Kalabharati Advertising v. Hemant Vimalnath Narichania*** [(2010) 9 SCC 437] (Paragraph 30), that an authority must be able to explain "*what was the material on record on the basis of which the earlier order has been changed*", supports this. Each extension changes the position under the earlier order, which would otherwise have expired. Each must therefore rest on material and reasons of its own. The decision is applied to this extent.

16.16. It is also necessary to note what has not been argued. The petitioner has not contended that any of the three extension orders is bare of

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recorded reasons. He has not contended that any single extension exceeds six months. And he has not contended that the aggregate period exceeds four years. On the dates themselves, the aggregate from 30.09.2025 is far short of four years. The ground actually urged is that the purpose of the appointment had come to an end, so that there was no longer any lawful reason to continue the Administrator. This Court decides the challenge on that ground.

16.17. That ground rests on an assumption, namely that the only purpose of the Administrator was to secure records and facilitate the enquiry. This Court has held under Points (iv) and (v) that the purpose of the appointment was wider: the temporary management of the Society in public interest while grave allegations about its funds were being examined. That finding is not repeated here. Once that assumption fails, the argument that the purpose came to an end when the enquiry ended also fails, because the end of the enquiry did not end the need for management pending a duly elected governing body.

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16.18. There is a second and more basic answer. Section 27A itself indicates how an Administrator's tenure is meant to end. Sub-section (4) casts a duty on the Administrator to *"convene the general body meeting of the society and hold elections for the constitution of the governing body"* before his period expires. The explanatory note extracted in **K. Shivanna** (Paragraph 11.8) says the same: *"It is further provided that the Administrator should take steps to convene the general body meeting and hold elections for the constitution of the new governing Body before his term expires. In other words the whole thing is a shop-gap arrangement."*

16.19. In plain terms, the statute's exit from an Administrator's tenure is an election. The Administrator is a bridge between one elected governing body and the next. The statute does not say that his tenure ends when an enquiry ends. It says his task is not complete until a new governing body is elected.

16.20. The learned Advocate General is therefore right that an extension to enable the proceedings to

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be completed and elections to be held in an orderly way is an extension for a purpose that the statute itself names. Such an extension has an "*independent statutory basis*", to use the petitioner's words, in sub-section (4) read with the proviso to sub-section (1).

16.21. Whether, at the date of each extension, the circumstances on record showed such a need. This Court examines each order against the facts on record at its date.

16.22. The order dated 30.12.2025. At this date, the Section 25 enquiry was not yet complete. The final report is dated 09.01.2026, which is after this extension. Even on the petitioner's narrow view of the Administrator's purpose, the enquiry was still going on. On the correct view, the management of the Society pending an elected governing body was plainly still needed. This extension was sustainable.

16.23. The order dated 31.03.2026. By this date, according to Prof. Ravi Varma Kumar, the final report had been accepted by the Registrar on 12.01.2026 and sent to the State Government on 14.01.2026. So the enquiry had just come

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to an end. What remained was to take the Society to an election and, according to Prof. Ravi Varma Kumar, to consider consequential proceedings such as surcharge. A general body meeting and elections for a body of the Society's size and reach, with district and taluk units, cannot be arranged overnight after an enquiry ends. An extension at this stage, to enable elections, falls squarely within sub-section (4). This extension was sustainable.

16.24. The order dated 01.06.2026. A week after this extension, on 08.06.2026, a Returning Officer was appointed, as the petitioner himself says. The electoral process was thus in motion, which is exactly what sub-section (4) requires. An extension that allows a process of election, already set in motion, to be completed is an extension for the purpose the statute names. This extension was also sustainable.

16.25. The petitioner says that on 08.06.2026 he was removed from membership of the Society. Prof. Ravi Varma Kumar describes this as a suspension from primary membership by an order dated 10.06.2026. Whatever its correct

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description and date, that order is not under challenge in this writ petition and this Court expresses no view on it. It is not relevant to the validity of the extension orders, all of which were passed before it.

16.26. The petitioner relied on ***Sanjay Nagayach*** for the principle that "*normally elected body be allowed to complete the term for which it is elected.*" (Paragraph 42.1). This Court respects that principle. It is the very reason why Section 27A(4) requires the Administrator to hold elections, so that the Society returns to elected management at the earliest. The principle is served by the extensions insofar as they are used for that purpose. It would be offended if extensions were used to keep an Administrator in office indefinitely, without any movement towards elections. On the record, that has not happened. The appointment of a Returning Officer shows movement towards elections. The principle in paragraph 42.1 thus does not help the petitioner on the facts. In paragraph 41, the Hon'ble Supreme Court directed reinstatement of the superseded Board for the period it was kept out of office. That followed from a finding

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that the supersession was illegal. No such finding has been reached here, and the direction in paragraph 41 is not attracted.

16.27. ***Amiya Vilas Swami v. Shankha Brita Das***

[2007 SCC Online Kar. 432] (Paragraph 34) holds that the power under Section 27A is "*the discretion of the State Government*". The same holds for the power to extend. The proviso uses the word "may". Whether to extend, and for how long within six months, is for the State Government to decide for recorded reasons. This Court will interfere only if an extension is shown to lack any basis within the statute. None of the three orders is shown to be of that kind.

16.28. The submissions of Prof. Ravi Varma Kumar on this point must be addressed. His submission that an Administrator's appointment may be extended up to four years in total is correct only as to the outer limit. The proviso does fix four years as the maximum aggregate, subject to sub-section (5). But it does not make four years the normal tenure. Each extension may not exceed six months, and each must be

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supported by reasons recorded in writing. An Administrator's tenure is not four years by default; it is six months or less, extendable only for recorded reasons, up to a ceiling of four years.

16.29. His submission that an appointment can come to an end only in two ways, by a Court's order or by elections under sub-section (4), is not entirely accurate. The statute also provides that the period may simply expire without any further extension, since every extension requires a fresh order with reasons. It also provides, under sub-section (5), for the dissolution of the society in certain circumstances.

16.30. His submission that the process cannot be reversed ("irreversible") cannot be accepted. The governing body ceases to exercise its powers under sub-section (3) only "*during the period of such appointment*". And an appointment that is illegal can be set aside by a Court. In ***Viswanathaiah Gangadhariah v. Joint Registrar of Co-operative Societies*** [(1976) 2 Kar.LJ 123] (Paragraph 15), this

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Court quoted with approval the view of a Division Bench in ***K.M. Naganna v. State of Mysore*** on this. Where a supersession order is made without meeting the statutory conditions, or in breach of natural justice, and a competent Court quashes it, *"the order of the Court quashing the same amounts to a declaration that the same was void ab initio."* In simple words, the order is treated as if it never had legal effect. The appointment of an Administrator is therefore reviewable, and, if found illegal, its effect can be undone. In this case, the appointment and extensions have been found valid, but that is because of the findings on merits and not because the process is beyond review.

16.31. His submission that the extensions were made necessary by the petitioner's non-co-operation rests on a disputed question of fact, as to how far the petitioner co-operated with the enquiry. This Court does not decide that question, as held under Point (i), and does not rely on it to uphold the extensions. The extensions are upheld because the statutory task of holding elections under sub-section (4) was still

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pending at the date of each order, and not because of any finding on the petitioner's conduct.

16.32. His reliance on the findings in the report dated 09.01.2026 is noted. As held under Point (i), this Court expresses no view on whether those findings are correct. The report is relevant here only as a fact in the timeline: it shows when the enquiry ended.

16.33. One more matter must be made clear, because it follows from the reasoning above. Upholding the three extensions does not mean that the Administrator may continue indefinitely. The limits of the proviso and the duty under sub-section (4) continue to govern every future extension, if any. Each future extension will have to rest on its own recorded reasons, stay within the statutory limits and serve the duty to hold elections. This Court records this as the effect of the statute. It is not an additional relief.

16.34. This Court answers point No. (vi) by holding that each of the orders dated 30.12.2025, 31.03.2026 and 01.06.2026 extending the

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tenure of the Administrator is independently sustainable in law. At the date of each order, the statutory task of the Administrator under Section 27A(4), to convene the general body meeting and hold elections for a new governing body, remained to be completed. The petitioner has not shown that any order lacked recorded reasons or exceeded the limits in the proviso to Section 27A(1).

17. **Answer to Point No. (vii): What order?**

17.1. In view of the answers to the above points this court passes the following

ORDER

- (i) The writ petition is dismissed.
- (ii) It is made clear that the continuance of the Administrator remains governed by the proviso to Section 27A(1) and by Sections 27A(4) and 27A(5) of the KSR Act. Nothing in this order is to be read as approving any future extension, which will have to stand on its own recorded reasons and within the limits of the statute.

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(iii) It is also made clear that this order expresses no opinion on three matters. They are the correctness of the findings in the enquiry report dated 09.01.2026, any proceeding that may be taken under the KSR Act on the basis of that report, and the order suspending or removing the petitioner from membership of the Society. All these questions are left open to be decided in accordance with law.

This court has been assisted by Ms. Harshada RB, Law Clerk, in reviewing this judgment.

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(SURAJ GOVINDARAJ)
JUDGE

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