HC-KAR

NC: 2026:KHC:59730-DB
WA No. 990 of 2024

CNR: KAHC010346152024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO. 990 OF 2024 (GM-KSR)

BETWEEN:

1. THE PRINCIPAL SECRETARY
   CO-OPERATION DEPARTMENT,
   MULTI-STORIED BUILDING,
   BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER
   CHITRADURGA DISTRICT,
   CHITRADURGA.

...APPELLANTS

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

(BY SRI.SPOORTHY HEGDE, HCGP)

AND:

1. SRI. RAVINDRA VIDYA SAMSTHE (R)
   REPRESENTED BY ITS SECRETARY,
   S. THIPPESWAMY,
   AGED ABOUT 54 YEARS,
   S/O. LATE SUBBARAYAPPA,
   CHALLAKERE TOWN,
   CHITRADURGA DISTRICT-577522

...RESPONDENT

(BY SRI. OMKARESHA., ADVOCATE)

CNR: KAHC010346152024

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO a) ALLOW THIS WRIT APPEAL b) SET ASIDE THE IMPUGNED ORDER DATED 05.04.2023 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION No.21514/2016 (GM-KSR) AND c) PASS SUCH OTHER ORDER/ORDERS AS DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING THE AWARD OF COST TO THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

The present writ appeal is preferred against the judgment dated 05.04.2023 passed in WP.No.21514/2016. The writ petition was filed by the first respondent herein seeking to quash the Government Order dated 09.12.2015 and to restore possession and management of the school, along with all its properties and other related documents, to the petitioner.

2. The learned Single Judge, after considering the memo dated 28.10.2017 and the fact that the two criminal

cases registered as Crime Nos.117/2012 and 402/2015 had culminated in the submission of 'C' reports by the CID, quashed the impugned order and directed the State to restore the management and assets of the Society to its office-bearers.

3. The learned High Court Government Pleader, appearing for the appellant, submits that the memo dated 28.10.2017 had been filed by an officer who was not specifically authorised to do so. It is therefore contended that the writ petition has been allowed relying on the memo, which was not proper.

4. The learned counsel appearing for the respondent would, on the other hand, contend that the Society is one registered under the Societies Registration Act, 1860 and that the Society was dissolved in view of the report dated 30.08.2004 of the Administrator and the matter had been referred to the CID for ascertaining the validity of the said report. It is submitted that two crimes were registered by the CID. However, a 'C' report has been submitted stating

that the investigation was unable to solve the case and there is an observation made that there is no evidence indicating involvement of the office bearers of the Society. The 'C' report was accepted by the Court.

5. It is further submitted that on 28.10.2017 a memo had been filed specifically stating that the respondents have no difficulty in restoring the petitioner's management and to hand over the charge of its entire management along with assets and to pay due rent of its building as claimed.

6. It is submitted that the learned Single Judge passed the impugned order after taking note of the above submissions made before the Court. It is further submitted that even in the memorandum of appeal, apart from bald assertion that the memo had been filed by the DRCS without obtaining prior permission from the Government, no grounds have been urged to indicate that any objection had been raised to the restoration of the Society's properties to its management.

7. Having considered the contentions advanced, we notice that it was on the basis of the report dated 30.08.2004 submitted by the Administrator that the Society and its assets had been taken over by the Government. It is the specific case of the respondent herein that the report was a bogus one and could not have been relied on or acted upon. Though crimes were registered with regard to the nature of the report, the said crimes have been closed on the basis of the 'C' report submitted by the CID.

8. As on date, there is no material to justify the takeover of the Society, as no wrongdoing has been attributed to the respondents, who are the office-bearers of the Society. Even if the filing of the memo dated 28.10.2017 is eschewed from consideration, we are of the opinion that, in view of the fact that the genuineness of the report purportedly submitted by the Administrator remains inconclusive, the finding of the learned Single Judge that the Government Order taking over the management of the Society cannot be sustained in the light of the subsequent developments in the case does not suffer from any infirmity.

9. We are, therefore, of the opinion that the directions issued by the learned Single Judge warrant no interference and are liable to be sustained.

10. Accordingly, the writ appeal fails and is ***dismissed***. The authorities are directed to hand over the properties of the Society to the respondent within a period of two months from the date of receipt of a copy of this judgment.

In view of the dismissal of the main appeal, I.A's, if any, pending, stands disposed off.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

AG
List No.: 1 Sl No.: 8