IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 16076 OF 2023 (CS-RES)

BETWEEN:

1. UPPURU VYAVASAYA SEVA
SAHAKARI SANGHA NIYAMITHA
POST. UPPOOR VILLAGE,
THENKABETTU POST,
KUNDAPURA TALUK,
UDUPI DISTRICT - 576105
(A SOCIETY REGISTERED UNDER KCS ACT, 1959)
REPRESENTED BY ITS PRESIDENT :
N. RAMESH SHETTY, AGED 74 YEARS,

2. DHOGU POOJARY,
S/O SHESHA POOJARY,
AGED 61 YEARS,
DIRECTOR OF FIRST PETITIONER SOCIETY,
R/O KOLALAGIRI KARTHIBAILU, POST, KOLALAGIRI,
UDUPI TALUK AND DISTRICT - 576105.

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Location: HIGH COURT OF KARNATAKA

3. PREMA LEWIS,
W/O STEWAN LEWIS,
AGED ABOUT 47 YEARS,
DIRECTOR OF THE FIRST PETITIONER SOCIETY
UPPUR THENKABETTU POST, THENKABETTU,
UDUPI TALUK AND DISTRICT - 576105

...PETITIONERS

(BY SRI. MAHESH R UPPIN.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF CO-OPERATION,
   VIKAS SOUDHA, BENGALURU - 560001
   REP. BY ITS SECRETARY.

2. THE REGISTRAR OF CO-OPERATIVE
   SOCIETIES IN KARNATAKA,
   NO.1, ALI ASKAR ROAD,
   BENGALURU - 560052.

3. THE ASST. REGISTRAR OF
   CO OPERAITVE SOCIETIES,
   KUNDAPURA SUB-DIVISION,
   SANJEEVA PRABHU BUILDING,
   MASTIKATTE, KUNDAPURA,
   UDUPI DISTRICT - 576201.

…RESPONDENTS

(BY SRI.YOGESH D NAIK - AGA FOR R1 TO 3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DTD 17/03/2023 BEARING NO. RCS/CRD/KME-3/21/2022-23 PASSED BY THE R2 MARKED AS ANNEXURE-A THE LETTER DTD 11/07/2023 BEARING NO.RCS/CRD/KME-3/21/2022-23 ISSUED BY THE R2 MARKED AS ANNEXURE-E AND THE ORDER DTD 11/07/2023 BEARING NO. RCS/CRD/KME-3/21-2022-23 PASSED BY THE R2 MARKED AS ANNEXURE-F BY ISSUING A WRIT IN THE NATURE OF CERTIORARI, IN SO FAR AS THE PETITIONER NO.1 IS CONCERNED AND ETC.

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

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

ORAL ORDER

Heard learned counsel appearing for the parties.

2. In this petition, the petitioners are seeking writ of certiorari to quash Order dated 17.03.2023 passed by respondent No.2 at Annexure-A to the writ petition.

3. Sri Mahesh R Uppin, learned counsel appearing for the petitioners contended that, perusal of Annexures- D and E would indicate that the respondent- authorities have made it mandatory to implement Section 129-A of the Karnataka Co-operative Societies Act, 1959 (hereinafter referred to as "the Act" for brevity) so as to adopt the Model Bye-laws and in this regard, learned counsel places reliance on the judgment of this Court in W.P.No.16067 of 2023 disposed of on 28.08.2025. Accordingly sought for an identical order in this writ petition.

4. Per contra, Sri Yogesh D Naik, learned AGA refers to Section 129-A(3) of the Act and submitted that, it is the duty of the Society to implement Section 129-A of the Act. Accordingly, sought for dismissal of the petition.

5. I have considered the submission made by the learned counsel appearing for the parties and carefully examined the

reasons assigned in Annexures- D and E to the writ petition wherein the respondent-Authorities have directed the petitioner-Society to implement Section 129A of the Act. In this regard, it is relevant to extract paragraphs No.6 and 7 of the W.P.No.16067 of 2023 disposed of on 28.08.2025, which reads as under :

> *"6. The impugned proceedings have emanated by virtue of the powers vested in the respondents under Section 129A of the Act of 1959. The petitioners have not challenged the vires of Section 129 of the Act of 1959. Be that as it may, a reading of Section 129A of the Act of 1959 makes it more than evident that the Co-operative Society is at liberty to adopt model bye-laws with or without modification, which thereby means that the model bye-laws which suits the petitioner No.1 could alone be incorporated and adopted. Therefore, the apprehension of the petitioner No.1 that by adopting model bye-laws, its constitution would be affected, is misplaced. The petitioner No.1 is at liberty to pick up only those bye-laws from the model bye-laws, which are suitable for its existence and operation and whatever that does not suit the petitioner No.1 or its business, the same may not be adopted. If the petitioner No.1 has any grievance, it may approach the Registrar as provided under Section 129A(3) of the Act of 1959 and seek appropriate reliefs from the Registrar.*

7. The writ petition stands disposed off on the above terms. The petitioner No.1 is at liberty to place the adopted model bye-laws before the Annual General Meeting and proceed in accordance with law."

8. In that view of the matter, without going into the merits of the case, by following the declaration of law made by this Court in W.P.No.16067 of 2023 (*supra*), the petitioner-Society is at liberty to place the Adopted Model Bye-laws before the Annual General Meeting and proceed in accordance with law.

With this observation, writ petition is ***disposed*** of.

Sd/-
(E.S.INDIRESH)
JUDGE

RS
List No.: 2 Sl No.: 45