HC-KAR

NC: 2026:KHC:59808
WP No. 17619 of 2025

CNR: KAHC010394272025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17619 OF 2025 (CS-RES)

BETWEEN:

MR. SHIVAPRASAD P. RAO.,
S/O B PANDURANGA RAO,
AGED ABOUT 58 YEARS
R/AT 5/89, GANESH NIVASA
COURT ROAD, SUDHEMUGERU
BELTHANGADI, BELTHANGADY TALUK
DAKSHINA KANNADA DISTRICT-574214.

...PETITIONER

(BY SRI. MIHIR RAO B.K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   DEPARTMENT OF CO-OPERATION
   MS BUILDING, BENGALURU - 560 001
   REPRESENTED BY IT'S PRINCIPAL SECRETARY

2. DEPUTY REGISTRAR.
   CO-OPERATIVE SOCIETIES
   JANATA BAZAR COMPLEX
   1ST FLOOR, GANAPATI HIGH SCHOOL ROAD
   MANGALORE- 575001.

3. SHRI RAM CREDIT CO-OPERATIVE
   SOCIETY LIMITED
   RAMANAGARA, BELTHANGADY KASABA
   BELTHANGADY TALUK,
   DAKSHINA KANNADA DISTRICT-574214

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

REPRESENTED BY IT'S
CHIEF EXECUTIVE OFFICER
(REGISTERED UNDER KARNATAKA
CO-OPERATIVE SOCITIES ACT, 1959)

…RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 AND R2;
SMT. ARCHANA MURTHY, ADVOCATE FOR
SRI. PRASAD K.S., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri. Mihir Rao B.K., counsel for the petitioner, Sri. Yogesh D. Naik., Additional Government Advocate for respondent Nos.1 and 2, Smt. Archana Murthy., counsel appearing on behalf of Sri. Prasad K.S., for respondent No.3, appeared in person.

2. The writ petition is filed seeking the following reliefs:

> *"i. Issue a writ or certiorari or any other writ or order and thereby quash the notice of attachment before award dated 03.06.2025 against the petitioner's schedule property (Annexure - A) passed by the respondent No.2 in Adhibara Arji No.01/2025-26;*
>
> *ii. Pass such other orders as this Hon'ble Court deems fit to pass under the facts and circumstances of the case, in the interest of justice and equity."*

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. Suffice it to note that proceedings under Section 103 were initiated in *Adhibara Arji No.01/2025-26* and the wife of the petitioner, was respondent No.11 therein. The order was passed on 03.06.2025. The contention of the petitioner is that he is the husband of respondent No.11, Smt. Nayana Shivaprasad, and that the property attached is his self-acquired property. Therefore,

the proceedings could not have been initiated against his property.

The contention urged by the petitioner cannot be accepted. In the considered opinion of this Court, the petitioner lacks the locus standi to challenge the impugned order. Even assuming that the subject property belongs to the petitioner, his wife is a party to the proceedings, whereas the petitioner himself is not a party thereto. Accordingly, the petitioner has no locus standi to assail the impugned order. The petition is, therefore, ***dismissed***.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 1 Sl No.: 42