IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 25099 OF 2025 (GM-KSR)

BETWEEN:

1. SRI. VENKATARAMANA SWAMY VIDYA
   VARDAHKA SANGHA (R)
   VIDYAGIRI, BANTWAL - 574 211.
   DAKSHINA KANNADA
   REPRESENTED BY ITS JOINT SECRETARY
   KUDIGE PRAKASH SHENOY
   S/O LATE K.SURENDRA SHENOY
   AGED ABOUT 48 YEARS
   (REGISTERED UNDER MYSORE SOCIETIES
   REGISTRATION ACT, 1960)

...PETITIONER

(BY SRI. J S PATIL, SENIOR COUNSEL FOR
SRI. DEVIPRASAD SHETTY, ADVOCATE)

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF CO-OPERATION,
   M.S BUILDING,
   DR. B.R. AMBEDKAR VEEDHI
   BENGALURU -560 001.
   REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
   NO.1 ALI ASKER ROAD
   BENGALURU - 560 052.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES

MYSORE DIVISION, PUBLIC OFFICERS BUILDING
NEW SAYYAJI ROAD,
MYSORE - 570 024.

4. THE DEPUTY REGISTRAR OF CO-OPERATIVE
SOCIETIES/ DISTRICT REGISTRAR OF SOCIETIES
JANATHA BAZAR,
1ST FLOOR, GANAPATHI HIGH SCHOOL ROAD,
MANGALURU - 575 001.

5. H.N.RAMESH
S/O NOT KNOW TO PETITIONER
AGE NOT KNOWN TO THE PETITIONER
THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES/DISTRICT
REGISTRAR OF SOCIETIES
JANATHA BAZAR, 1ST FLOOR,
GANAPATHI HIGH SCHOOL ROAD,
MANGALURU - 575 001.

6. PRABHAKAR PRABHU
S/O NOT KNOW THE PETITIONER
AGED 74 YEARS
R/O SRINIVAS APARTMENT
OPP TO SVS TEMPLE, MAIN ROAD,
BANTWAL - 574 211.
(SENIOR CITIZENSHIP BENEFIT IS NOT CLAIMED.)

7. SRI. BHAMY VENKATRAM SHENOY
S/O MADAVA SHENOY
AGED 82 YEARS
R/O NO.6/1 VIVEKANANDA ROAD,
YADAVAGIRI, MYSORE - 570 020.
(SENIOR CITIZENSHIP BENEFIT IS NOT CLAIMED)

8. SRI BHAMY NARAYAN SHENOY
S/O LATE BHAMY VAMANA SHENOY
AGED 69 YEARS
R/O BHAMY DASUR AND CO,
MAIN ROAD BANTWAL - 574 211.
(SENIOR CITIZENSHIP BENEFIT IS NOT CLAIMED.)

9. LAKSHMAN ACHUTA BALIGA
S/O NOT KNOWN TO THE PETITIONER
AGED ABOUT 76 YEARS
R/O MERCHANT, COLLEGE ROAD,
BANTWAL - 574 211.
(SENIOR CITIZENSHIP BENEFIT IS NOT CLAIMED.)

…RESPONDENTS

(BY SRI. ARAVIND KAMATH, SENIOR COUNSEL FOR
SRI. MOHAMMED ASHHAR C K, ADVOCATE FOR
C/R6 IN CP NO.17068/25,
CP 13893/25, CP 17636/25 & ALSO FOR R7 TO R9;
SRI. SHAMANTH NAIK, ADVOCATE FOR R1 TO R4;
R5 - H N RAMESH - SD)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF TRHE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN NATURE OF CERTIORARI QUASHING THE ORDER PASSED BY THE RESPONDENT NO 4 DATED 24/06/2025 IN DRP.S9.SANGHA.SAM.V.NOO.03/2025-26 IS HEREWITH PRODUCED AS ANNEXURE-L AND ETC.,

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner is before this Court calling in question the legality and correctness of the orders passed by respondent No.4 – Deputy Registrar, as reflected in Annexures-L and T.

2. On perusal of Annexure-L, it is forthcoming that the respondent No.4, while adverting to certain documents produced by the complainants, has recorded a finding that the complainants are members of the petitioner–Educational Society. However, under Annexure-T, the very same authority has proceeded to observe that the matter warrants a fresh enquiry on the basis of the complaint dated 07.05.2022.

3. The petitioner contends that the findings recorded under Annexure-L and the direction for fresh enquiry under Annexure-T are mutually inconsistent and unsustainable in law. Being aggrieved by the said orders passed by respondent No.4 – Deputy Registrar, the petitioner has presented the captioned writ petition.

4. Learned Senior Counsel Sri Jaykumar Patil, reiterating the grounds urged in the writ petition, would vehemently contend that the impugned orders passed by respondent No.4 – Deputy Registrar, as per Annexures-L

and T, are in the teeth of the directions issued by the Division Bench of this Court in Writ Appeal No.1412/2023 and connected matters. Elaborating his submissions, he would submit that the Division Bench, while setting aside the enquiry report dated 28.06.2022 passed in Enquiry No.1/2022-23 by the respondent No.4, had issued a specific direction to conduct a *de novo* enquiry by affording a reasonable and effective opportunity of hearing to the present petitioners, who were appellants before the Division Bench, and thereafter to submit a report strictly in terms of Section 25 of the Karnataka Societies Registration Act, 1960 (for short 'the Act'). He would further draw the attention of this Court to the fact that the Division Bench had also prescribed a time limit of three months from the date of appearance of the parties to conclude the said exercise.

5. Learned Senior Counsel would further contend that the very foundation on which the impugned orders are passed is vitiated, inasmuch as the documents relied

upon by the complainants to prima facie establish their membership in the petitioner–Society were never furnished to the petitioner. He would submit that non-supply of such material documents has resulted in denial of a fair opportunity, thereby striking at the root of the proceedings. According to him, the impugned orders passed under Annexures-L and T are not only contrary to the binding directions issued by the Division Bench but are also in gross violation of the principles of natural justice.

6. Per contra, learned Senior Counsel appearing for respondent No.5 would stoutly oppose the petition and contend that the conduct of the petitioner is far from bona fide. He would submit that the petitioner has been repeatedly approaching this Court by filing successive proceedings with the sole intention of protracting the matter and stalling the enquiry contemplated under Sections 24 and 25 of the Act. He would therefore urge this Court not to exercise its discretionary jurisdiction

under Articles 226 and 227 of the Constitution of India in favour of the petitioner.

7. Learned Additional Government Advocate appearing for respondent Nos.1 to 4, on instructions, has produced the original records along with a memo and would submit that the complainants have placed sufficient material to prima facie demonstrate that they are members of the petitioner–Society and, therefore, have the requisite locus to initiate action alleging mismanagement of the affairs and funds of the Society. It is further submitted that several documents have been produced along with the memo in support of the said contention.

8. At this juncture, learned Senior Counsel for the petitioner would reiterate that none of the documents now sought to be relied upon by the respondents were furnished to the petitioners during the course of enquiry. He would submit that reliance on such undisclosed

material, behind the back of the petitioner, renders the impugned orders wholly unsustainable, being in clear contravention of the directions issued by the Division Bench as well as the settled principles of natural justice.

9. Heard the learned Senior Counsel appearing for the respective parties and the learned Additional Government Advocate appearing for the State. Perused the impugned orders at Annexures-L and T and the records made available before this Court.

10. Before adverting to the rival contentions urged by the parties, this Court deems it appropriate to extract paragraphs 18 to 21 as well as the operative portion of the judgment rendered by the Division Bench in the batch of writ appeals, the lead matter being Writ Appeal No.1412/2023. The same is extracted hereinbelow for ready reference.

> *"18. Moreover, the second respondent has not passed any order on the application filed by the 8th respondent with regard to maintainability of the*

proceedings. Second respondent in his report dated 28.06.2022 records the filing of the application with regard to maintainability but, has not answered or passed any order with regard to maintainability. When an application is filed before the authorities, it is for the authorities to pass orders on such interim applications either before passing of final order or along with the final orders. The non-passing of any order on the application filed by respondent no.8, on the maintainability is erroneous.

19. Learned Single Judge proceeded to pass order directing to take the communication/report dated 4.7.2022 to its logical conclusion based on the report submitted by the sub-committee of the University with regard to functioning of the college. The Management of the College is one thing and the academic activity of the college is another. The present enquiry is with regard to the Management of the Society.

20. The appellants have raised contention of maintainability of enquiry on the complaint of a non-member of the Society, we refrain from answering the said issue at this stage. It is for the second respondent to consider the application filed with regard to maintainability and pass orders.

21. Only on the ground that the parties had no proper opportunity before submitting report dated 28.6.2022 by the second respondent, we set aside the order of the learned Single Judge and pass the following:

ORDER

i) The writ appeals are allowed.

ii) Report dated 28.06.2022 in Enquiry No.01/22-23 before the second respondent is set aside.

iii) All further proceedings initiated pursuant to report dated 28.06.2022 are also quashed.

iv) Second respondent is directed to afford sufficient opportunity to the parties and thereafter proceed to submit report.

v) The parties shall appear before the second respondent on 11.12.2024.

vi) The parties shall co-operate with the second respondent for early disposal of the proceedings. The second respondent shall as for as possible conclude the proceedings within three months from the date of appearance of the parties.

vii) All the contentions of the parties are kept open."

11. On a careful reading of the aforesaid judgment of the Division Bench, the crux of the controversy that falls for consideration is narrowed down to the question as to whether the complainants have the requisite locus standi to seek initiation of an enquiry under Section 25 of the Act. As rightly pointed out by the learned Senior Counsel appearing for the petitioner, the primary objections raised are twofold: firstly, that the complainants are not members of the petitioner–Society; and secondly, that even otherwise, they do not satisfy the requirement of quorum as contemplated under Section 25 of the Act. These two foundational aspects go to the very root of the matter and directly impinge upon the maintainability of the proceedings initiated under Section 25 of the Act.

12. In that view of the matter, this Court finds it apposite to extract Section 25 of the Act, which reads as under:

> "***25. Inquiry by the Registrar.***—*(1) The Registrar may, on his own motion and shall, on the application of a majority of the members of the governing body of the society or on the application of not less than one-third of the members of the society, hold or cause to be held an inquiry into the constitution, working and financial condition of a registered society.*
>
> *(2) The Registrar shall communicate the result of the inquiry to the society and may also bring the same to the notice of the members of the society.*
>
> *(3) The Registrar may, if he is satisfied that it is necessary in the interest of the society or in the public interest, by order in writing, direct the society or any member thereof to take such action as may be specified in the order within such time as may be specified therein.*
>
> *(4) Any person aggrieved by an order made under sub-section (3) may prefer an appeal to the prescribed authority within such time and in such manner as may be prescribed.*
>
> (emphasis supplied)

13. Having regard to the specific grounds urged in the writ petition and the observations made by the

Division Bench while remitting the matter, this Court is of the considered opinion that respondent No.4 – Deputy Registrar may proceed to hold an enquiry; however, such enquiry must necessarily be preceded by a determination on the issue of maintainability under Section 25 of the Act. In other words, the respondent No.4 is required to first address the jurisdictional facts before embarking upon a full-fledged enquiry into the allegations of mismanagement.

14. The directions issued by the Division Bench unequivocally mandate that the respondent No.4 shall conduct a de novo enquiry by affording an effective opportunity of hearing to the petitioners. In that backdrop, the respondent No.4 is first required to examine whether the complainants are lawfully inducted members of the petitioner–Society. Secondly, the respondent No.4 is also required to examine whether the complainants satisfy the requirement of quorum so as to set the law in motion under Section 25 of the Act. As is evident from the

statutory scheme, a motion alleging mismanagement can be initiated only by not less than one-third of the members of the Society, and therefore, compliance with such requirement is sine qua non for invoking the jurisdiction under Section 25 of the Act.

15. This Court also notices from the records that neither the complainants nor the official respondents had furnished the documents relied upon to the petitioners during the course of enquiry. It is not even the case of the complainants that such documents were served on the petitioners, despite this, the respondent No.4 has proceeded to record a finding under Annexures-L and T that the complainants have established their locus and that the proceedings are maintainable under Section 25 of the Act. Such a course adopted by the respondent No.4, in the considered view of this Court, is prima facie in clear contravention of the directions issued by the Division Bench, apart from being violative of the principles of natural justice.

16. However, now that the learned Additional Government Advocate has produced the records and the documents relied upon by the complainants before this Court, it would be just and necessary to afford an opportunity to the petitioners to controvert the same by filing their objections.

17. In the light of the specific directions issued by the Division Bench and the discussion made hereinabove, this Court is of the considered opinion that the respondent No.4 is required to first adjudicate upon the two fundamental jurisdictional issues, namely: (i) whether the complainants are prima facie members of the petitioner–Society; and (ii) whether they satisfy the requirement of quorum to initiate proceedings under Section 25 of the Act. Only upon recording a finding on these foundational aspects, the respondent No.4 would be justified in proceeding further in the matter in accordance with law.

18. Upon a meticulous consideration of the rival submissions and on perusal of the material on record, this Court finds that the impugned orders passed by respondent No.4 – Deputy Registrar, as per Annexures-L and T, cannot be sustained either on facts or in law.

19. At the outset, this Court is of the considered view that the very foundation of the impugned orders is vitiated on account of non-compliance with the binding directions issued by the Division Bench in Writ Appeal No.1412/2023 and connected matters. The Division Bench, while setting aside the earlier enquiry report, had unequivocally directed the respondent No.4 to conduct a de novo enquiry by affording a meaningful and effective opportunity to the petitioner and thereafter proceed in accordance with Section 25 of the Act. The directions were not merely procedural but went to the root of jurisdiction, mandating adherence to principles of natural justice and a structured determination of foundational issues.

20. However, a perusal of Annexures-L and T would indicate that the respondent No.4 has proceeded to record findings touching upon the locus of the complainants and the maintainability of the proceedings without first ensuring compliance with the elementary requirement of furnishing the documents relied upon by the complainants to the petitioner. It is not in dispute that the documents, on which heavy reliance is now placed to establish the membership of the complainants, were not furnished to the petitioners during the course of enquiry. Such a course of action strikes at the very heart of audi alteram partem, rendering the decision-making process arbitrary and legally unsustainable.

21. That being said, this Court also takes note of the fact that during the course of hearing before this Court, the learned Additional Government Advocate has produced the records along with the documents relied upon by the complainants. In view of the same, it now transpires that the petitioner has been put on notice of the

material sought to be relied upon against them. Therefore, in the interest of justice, it is imperative that the petitioners be afforded a full and fair opportunity to test the veracity, admissibility, and evidentiary value of these documents by filing appropriate objections and by participating in the enquiry.

22. This Court is also of the considered view that the respondent No.4 has committed a jurisdictional error in proceeding to record conclusions on the maintainability of the proceedings under Section 25 of the Act without first adjudicating upon the foundational facts which confer jurisdiction. The scheme of Section 25 makes it abundantly clear that the power to initiate an enquiry is not unbridled, but is contingent upon satisfaction of specific statutory preconditions.

23. Therefore, the respondent No.4, strictly adhering to the mandate of the Division Bench, is required

to first undertake a threshold determination on the following fundamental aspects:

a) Firstly, the respondent No.4 shall examine whether the complainants are lawfully inducted and prima facie members of the petitioner–Educational Society. This determination must be based on legally admissible material, and after affording due opportunity to the petitioner to controvert the claim of membership.

b) Secondly, even if the complainants succeed in establishing that they are members of the Society, the respondent No.4 is further required to examine whether they satisfy the statutory requirement prescribed under Section 25 of the Act to set the law in motion. As is evident from the provision, an enquiry can be triggered only upon an application made by not less than one-third of the members of the society or by a majority of the governing body. Therefore, the existence of the requisite quorum is not a mere procedural formality but a condition

precedent to the assumption of jurisdiction under Section 25.

24. Unless these two jurisdictional facts are conclusively determined, the respondent No.4 cannot assume authority to proceed with an enquiry into the alleged mismanagement. Any enquiry conducted in the absence of such determination would be rendered without jurisdiction and liable to be interfered with.

25. In the present case, the respondent No.4, without undertaking the aforesaid foundational exercise and without ensuring compliance with the principles of natural justice, has proceeded to pass the impugned orders at Annexures-L and T. Such an approach is clearly contrary to the directions issued by the Division Bench and is therefore unsustainable.

26. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***;

(ii) The impugned orders passed by respondent No.4 – Deputy Registrar, as per Annexures-L and T, are hereby set aside;

(iii) The matter is remitted to respondent No.4 for fresh consideration;

(iv) The petitioner shall file its detailed objections to the documents now furnished/served by the respondents within a period of four weeks from the date of receipt of a certified copy of this order;

(v) Upon receipt of objections, respondent No.4 – Deputy Registrar shall first adjudicate the preliminary/jurisdictional issues relating to: (a) membership of the complainants; and (b) satisfaction of quorum under Section 25 of the Karnataka Societies Registration Act, 1960, within a further period of six weeks thereafter;

(vi) Only upon determination of the aforesaid preliminary issues, if answered in favour of the complainants, respondent No.4

shall proceed with the enquiry on merits and conclude the same within an outer limit of eight weeks thereafter;

(vii) The parties shall extend full cooperation and shall not seek unnecessary adjournments. It is made clear that any attempt to protract the proceedings shall be viewed seriously;

(viii) The entire exercise, commencing from the filing of objections till conclusion of enquiry, shall be completed within an outer limit of twelve (12) weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 2 Sl No.: 111