



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 6055 OF 2026 (GM-KSR)

BETWEEN:

SHIVAMOGGA ZILLA BRAHAMANA
MAHASABHA (R)
HAVING OFFICE AT
BRAHAMANA VIDYARTHI NILAYA
NEAR SHANKAR MUTT CIRCLE,
B.H. ROAD,
SHIVAMOGGA-577 201
REPRESENTED BY ITS PRESIDENT
NATARAJ K.C.
S/O LATE CHANDRASHEKARA K.S.
AGED ABOUT 60 YEARS



...PETITIONER

(BY SRI.P. N. HARISH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF CO-OPERATIVE
SOCIETIES, M.S. BUILDING
BENGALURU-560001.
2. DISTRICT REGISTRAR



FOR CO-OPERATIVE SOCIETIES
SAHAKARA BHAVANA, 1ST FLOOR,
RTO OFFICE ROAD,
SHIVAMOGGA DISTRICT
SHIVAMOGGA-577 201

3. SRIKANTH S.S.
MAJOR IN AGE
R/O NO.14, BANGARA NILAYA,
2ND CROSS, N.B.V. LAYOUT,
OLD GUNDAPPA SHED,
SHIVAMOGGA-577201
4. VINAY S.V.
MAJOR IN AGE
R/O BANGARA NILAYA
SOGANE VILLAGE, NIDIGE POST,
SHIVAMOGGA - 577 222.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, THE LEARNED ADDITIONAL
GOVERNMENT ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH ORDER DATED 22.01.2026 PASSED BY THE
SECOND RESPONDENT IN DRS/SOR/25V/CR-63/2025--
26/1488 PRODUCED AS PER ANNEX-G TO THE WP.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



ORAL ORDER

The petitioner is a society registered under the provisions of the Karnataka Societies Registration Act, 1960 [for short, '*the Act of 1960*']. The petitioner is aggrieved by the second respondent's order dated 22.01.2026. The second respondent by this order has authorized an Inspector with the office of the District Registrar of Co-operative Societies, Shivamogga Sub-Division to hold an enquiry into allegations of the petitioner running a *Goshala* in the land in Sy.Nos.283/5 and 286/1 of Mandenakoppa Village, Nidhige Hobli, Shivamogga Taluk and the agreement that was concluded by the petitioner for running such *Goshala*. The second respondent has also referred to certain financial transactions that have to be enquired into.

2. The second respondent's decision is under Section 25(1) of the Act of 1960. Mr. P. N. Harish, the learned counsel for the petitioner, submits that this



Court must intervene because the petitioner can demonstrate that the second respondent's order permitting an enquiry as contemplated under Section 25 of the Act of 1960 is without prior notice to the petitioner and it is at the instance of persons who have no *locus* as one of them is not even a member and they have already sued the petitioner alleging a cause similar to the information filed with the second respondent. The learned counsel also submits that these proceedings are to impede the petitioner from running a *Goshala*, which has been developed once the petitioner took over the management of the *Goshala*.

3. Mr. B. Ravindranath, the learned Additional Government Advocate, who is called upon to accept notice for the first and second respondents, is heard for the disposal of the petition. The Section 25(1) of the Act of 1960 reads as under.

"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.

It follows from this that the second respondent, or a person authorized by him, can hold an inquiry with certain powers as enumerated as part of Section 25(2) of the Act of 1960. The second respondent may hold this enquiry on the applications filed by the majority of the members of the Governing Body or one-third of the members of the Society. Crucially, the second respondent can also invoke this jurisdiction on his own motion.

4. Inarguably, the reason for this action on the second respondent's own motion could be based on information that the officer may have received not necessarily from the majority of the members of the Governing Body of the Society or one third of its



members. As such, the question of *locus* of some persons who may have filed information with the second respondent will not be germane.

5. As regards the opportunity, this Court must refer to Rule 8 of the Karnataka Societies Registration Rules, 1961 [for short, '*the Rules of 1961*']. The second respondent will have to issue a notice of the proposed inquiry, and it is brought on record that such notice is issued to the petitioner to file a response. However, it would be incumbent on the person authorized by the second respondent, given Rule 8(4) of the Rules of 1961, to extend an oral hearing to the petitioner¹. If the person authorized by the second respondent extends such opportunity of hearing, there would be due compliance,

¹ *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 authorized 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 authorized person may proceed with the enquiry ex-parte.*



and as such, this Court is not persuaded to opine that there is any reason for interference at this stage.

6. On the petitioner's case that a suit is filed on the same cause of action, this Court must observe that this is an aspect that must receive due consideration and reasoned why an inquiry would be justified if a suit is already filed. Therefore, there is a cause to call upon the second respondent to decide on the outcome in the inquiry in the light of this Court's observation on the suit having been filed on the same cause. The next aspect is whether a pending inquiry would justify in itself a decision to create hurdles or barriers for the petitioner to run the *Goshala*. This Court opines that in itself cannot be a reason to impede the petitioner from running a Goshala, and any decision must be subject to the outcome in the inquiry and a decision based thereon in accordance with the law.



The petition stands disposed of with observations
as aforesaid.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB