

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[SRI. NADOJA DR. MAHESH JOSHI, VS. THE DIRECTOR KANNADA
AND CULTURAL DEPARTMENT AND ALSO ADMINISTRATOR]

25.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

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

ORAL ORDER

Both Sri Jayakumar S Patil, the learned Senior Counsel for the petitioner, and Prof. Ravi Varma Kumar, the learned Senior Counsel who appears for the Administrator, when queried if there could be any objection for this Court hearing the petition, submit that they will have no such objection.

2. This petition is the third in the series of the petitions that the petitioner has filed. The first petition is in the writ petition in W.P. No.29086/2025 for institution of an enquiry under Section 25 of the Karnataka Societies Registration Act, 1960 [for short, '*the Act*']. The next petition is in the writ petition in W.P. No.32600/2025 as against the decision to appoint an *Administrator*.

3. This Court must observe that it is common case that there is no interim order that interdicts the enquiry

under Section 25 of the Act or the *Administrator* taking charge of the affairs of the *Kannada Sahitya Parishat* [the *Society*]. The petitioner in this petition has called in question the show cause notice dated 10.02.2026[*Annexure-E*]. In this impugned Show Cause Notice, the *Administrator*, while making certain observations about financial loss to the *Society* apart from other omissions and commissions, has called upon the petitioner who was the *President* of the *Society* before the appointment of the *Administrator* to show cause against action being taken under Bye law Nos.7[8] and 7[9] of the Bye-laws of the *Society* providing an opportunity of seven days to file his response.

4. Sri Jayakumar S Patil, the learned Senior Counsel for the petitioner, proposing to rely upon the decision of the Apex Court, submits that the *Administrator* cannot assume jurisdiction to take penal action against the office bearers and members of a *Society*. Prof. Ravi Varma Kumar, the learned Senior Counsel for the *Administrator*, firstly contests the maintainability of the petition pointing out that the petitioner should have impleaded the *Society* as

a respondent to the proceedings and that what is impugned by the petitioner is just a show cause notice.

5. As against the submissions by Sri Jayakumar S Patil on the *Administrator's* jurisdiction to issue show cause notice for penal action, Prof. Ravi Varma Kumar's submits the following:

[a] the State Government's last order on the issue of appointment of the *Administrator* is dated 30.12.2025,

[b] this Order is unequivocal in stating that the *Administrator's* tenure will be for three months from 29.12.2025 or until decision is taken by the competent authority on the report filed subject to orders of this Court in the pending matter, and

[c] because of the first stipulation the *Administrator's* jurisdiction cannot be called in question.

Prof. Ravi Varma Kumar, to support his contentions, invites this Court's attention to Section 27A[3] of the Act.

6. *Prima facie* the question for consideration is: *whether the Administrator is justified in assuming jurisdiction to issue the impugned show cause notice and this will have to be decided on the basis of the elaboration that could be by both the petitioner and the respondent/society on completion of pleadings.*

7. At this stage, because three months contemplated in the Government order dated 30.12.2025 has not expired, and on an initial reading of the provisions of Section 27A[3] of the Act, this Court is of the view that the petitioner must file response as against the proposed action and because the time stipulated under the impugned show cause notice has expired, the petitioner must have an opportunity to file such response. As regards the Administrator's decision and the fall out of such decision [*which as canvassed by Prof. Ravi Varma Kumar could include, amongst others, prosecution under Section 28 of the Act and decision under the Bye-laws*], this Court opines that, because of the afore pending proceedings and as this Court must be persuaded that the *Administrator's* decision is with

due opportunity, that decision must not be implemented until the next date of hearing. It is ordered accordingly.

8. It is trite that a petition or a proceeding cannot be truncated because of non-joinder of proper parties and the petitioner [*or the person who initiates judicial proceedings*] must have an opportunity to ensure that there is no reason for objections on such ground. In the light of the afore, the petitioner is called upon to implead the Society as an additional respondent and showing that the Society [*for the present purposes*] is represented by the *Administrator*. The amendment in this regard shall be carried out during the course of the day and amended cause title filed by the next date of hearing.

9. The petitioner, if he has already filed some representation, will also be at liberty to file further reply in the light of this interim order on or before **02.03.2026**.

The office is directed to re-list this petition on **06.03.2026** in the **Orders** category.

(B M SHYAM PRASAD)
JUDGE