



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

WRIT PETITION NO. 7089 OF 2025 (CS-RES)

BETWEEN:

1. M/S MYSORE TALUK CO-OPERATIVE INDUSTRIAL ESTATE LTD, (A SOCIETY REGISTER UNDER KARNATAKA CO-OPERATIVE SOCIETY ACT), NO.1084/1, SHIVASARANARAMEDHAKETHESHWARA DHWARA, DHANWANTHRI ROAD, MYSURU - 570 001. REP BY ITS PRESIDENT, MANJUNATH AGED ABOUT 53 YEARS.
2. M/S MYSORE TALUK CO-OPERATIVE INDUSTRIAL ESTATE LTD, (A SOCIETY REGISTER UNDER THE PROVISION OF THE KARNATAKA CO-OPERATIVE SOCIETY ACT), NO.1084/1, SHIVASARANARAMEDHAKETHESHWARA DHWARA, DHANWANTHRI ROAD, MYSURU-570001. REP BY ITS SECRETARY, SHARADA H.M. AGED ABOUT 49 YEARS.

...PETITIONERS

(BY SRI. RUPESH KUMAR .S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF CO-OPERATION, M.S. BUILDING, AMBEDKAR VEEDHI, BENGALURU - 560 001. REPRESENTED BY ITS SECRETARY
2. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY, DEPARTMENT OF CO-OPERATIVE SOCIETIES, MYSORE CIRCLE, PUBLIC OFFICES BUILDING, NEW SYAJIRAO ROAD, MYSORE-570024.

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by PRASHANTH
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Location: High
Court of
Karnataka



3. ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETY,
DEPARTMENT OF CO-OPERATIVE
SOCIETIES, MYSORE CIRCLE,
PUBLIC OFFICES BUILDING, NEW
SYAJIRAO ROAD, MYSORE-570024.
4. SRI ASHOK S SIRSIKAR
S/O LATE SUDHAKAR,
AGED ABOUT 63 YEARS,
R/O NO 2912, SRINIDHI BUILDING,
4TH MAIN ROAD, V.V.MOHALLA,
MSYORE - 570 002.
BENEFIT OF SENIOR CITIZEN NOT CLAIMED

...RESPONDENTS

(BY SRI. YOGESH D. NAIK, AGA FOR R1 TO 3
SRI. SAGAR B.B., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DTD. 09.12.2024 PASSED BY R-3 IN APPLICATION BEARING NO. 43/2022-23 AS PER ANNEX-A IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL ORDER

The petitioners have approached this Court seeking issuance of writ in the nature of Certiorari, to quash the order dated 09.12.2024 passed in Application No.43/2022-23 by respondent No.3, produced as per Annexure-A.

2. Heard Sri. Rupesh Kumar S., learned counsel for petitioner, Sri. Yogesh D. Naik, learned Additional Government



Advocate for respondents No.1 to 3 and Sri. Sagar B. B., learned counsel for respondent No.4. Perused the materials on record.

3. The petitioners have raised several grounds to contend that, passing of the order as per Annexure-A by respondent No.3 is barred by limitation. Since the award is dated 30.06.2012, it should have been executed on or before 29.06.2024. But the application for issuance of sale certificate was on 05.07.2024. Therefore, it is barred by limitation.

4. However, learned counsel for respondent No.4 opposing the petition submitted that, in view of Section 101B(2) of the Karnataka Co-operative Societies Act, 1959 (for short, 'the KCS Act') and Section 15 of the Limitation Act read with Section 119 of the KCS Act, saves the period of limitation which was spent in the proceedings as initially the Assistant Registrar of Co-operative Societies has rejected the claim for issuance of sale certificate. The said order was challenged before the Deputy Registrar of Co-operative Societies finally to set aside the order of the Assistant Registrar of Co-operative Societies and is ordered to issue the sale certificate. Pursuant



to the same, Annexure-A was issued. Therefore, issuance of Annexure-A and filing of the execution by the respondent is within time. Accordingly, he prays for dismissal of the petition.

5. During the course of argument, learned counsel for respondent No.4 places reliance on the decision of this Court in **Bonageri, G.K. Vs State of Karnataka**¹ to contend that all these grounds urged by the petitioners could be raised before the Executing Court, which is competent to decide the issue. Therefore, he prays for dismissal of the petition.

6. Learned counsel for the petitioners has no objection to raise all these ground before the Executing Court. Therefore, I am of the opinion that without going into the merits of the case, the petition may be disposed of, reserving liberty to the petitioners to raise all these grounds before the Executing Court.

Accordingly, the petition is ***disposed of***.

**Sd/-
(M G UMA)
JUDGE**

MKM: CT:VS

¹ 1989(1) KLJ 278