



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 7820 OF 2024 (GM-RES)

BETWEEN:

1. SMT. K. LALITHA
W/O SRI. K. LAKSHMI NARASIMHA MURTHY,
AGED ABOUT 48 YEARS,
RESIDING AT NO. 248, 6TH MAIN,
4TH BLOCK, JAYANAGAR,
BANGALORE - 560 011.
2. SRI. NAVEEN KRISHNA B
S/O SRI. BALAKRISHNA K,
AGED ABOUT 34 YEARS,
RESIDING AT NO. 151/2, 26TH CROSS,
6TH BLOCK, JAYANAGAR,
BANGALORE - 560 081.

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by
SHARADAVANI
B
Location: High
Court of
Karnataka

THE SECOND PETITIONER IS
REPRESENTED BY HIS GPA HOLDER,
SRI. K. LAKSHMINARASIMHA MURTHY.

...PETITIONERS

(BY SRI. MARILINGE GOWDA, ADVOCATE)



AND:

HANUMANTHAGARA CO-OPERATIVE BANK LTD.,
REGISTERED UNDER THE
CO-OPERATIVE SOCIETIES ACT 1904,
NO. 7/29, 3RD MAIN ROAD,
1ST CROSS, HANUMANTHAGARA,
BANGALORE - 560 019,
REPRESENTED BY ITS MANAGER.

...RESPONDENT

(BY SRI. M.S. VENUGOPAL, ADVOCATE FOR
SRI. DEVARAJA A, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE
RESPONDENT BANK TO RETURN THE ORIGINAL DOCUMENTS
FURNISHED BY THE PETITIONERS AT THE TIME OF
BORROWING THE LOAN. SINCE THE PETITIONERS ARE READY
AND WILLING TO PAY THE LOAN AMOUNT AS PER THE
DEMAND LETTER DTD 08.08.2023 VIDE ANNEXURE-T AND
ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is filed seeking direction against the respondent/co-operative society to accept the balance loan dues and return the original documents.

2. The petition is stoutly opposed by the learned counsel appearing for the respondent on two principal grounds. Firstly, it is contended that the respondent being a co-operative society registered under the provisions of the Karnataka Co-operative Societies Act, 1959, does not answer the description of "State" or "other authority" within the meaning of Article 12 of the Constitution of India and, therefore, a writ petition under Article 226 seeking a writ in the nature of mandamus is not maintainable against such a private body. Secondly, it is urged that the secured asset mortgaged by the petitioners has already been brought to sale in a public auction conducted on 11.03.2026 and the auction proceedings having been concluded, the relief sought in the writ



petition has become infructuous and cannot be granted at this stage.

3. Heard the learned counsel appearing for the parties. Perused the pleadings and the material placed on record.

4. Having given anxious consideration to the rival submissions, this Court finds considerable force in the preliminary objection raised by the learned counsel for the respondent as to the maintainability of the writ petition. It is a well-settled principle of law that a writ in the nature of mandamus under Article 226 of the Constitution of India would lie only against the State or its instrumentalities or against such bodies which discharge public duties or statutory functions having a public element. A co-operative society registered under the Karnataka Co-operative Societies Act, 1959, in the absence of any material to demonstrate that it is either controlled by the State or discharging any public duty, remains essentially a



private body. In such circumstances, no writ of mandamus can be issued to compel performance of obligations which are purely contractual or arise out of private law remedies. The petitioners have not placed any material to bring the respondent within the ambit of Article 12 or to establish that the respondent is discharging any public function so as to invoke the extraordinary jurisdiction of this Court under Article 226. On this ground alone, the writ petition is liable to be rejected.

5. Even otherwise, this Court finds that the respondent-society has already initiated recovery proceedings and the secured property of the petitioners has been put to auction and the auction process has been concluded on 11.03.2026. In view of the subsequent development, the relief sought in the present writ petition does not survive for consideration. If the petitioners are aggrieved by the auction proceedings or the manner in which the recovery has been effected, it is always open to them to avail such statutory or other remedies as are



available in law to assail the said proceedings. This Court, in exercise of its writ jurisdiction, would not entertain a challenge to such concluded transactions, particularly when disputed questions of fact may arise and when efficacious alternative remedies are available.

6. For the foregoing reasons, the writ petition stands ***dismissed*** as not maintainable. However, it is made clear that this order shall not preclude the petitioners from challenging the auction proceedings or seeking appropriate relief before the competent forum in accordance with law.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**