HC-KAR

NC: 2026:KHC:17062
WP No. 20240 of 2024

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. 20240 OF 2024 (GM-RES)

BETWEEN:

B. YASHODHA
D/O K. BALAKRISHNA
AGED ABOUT 32 YEARS
R/AT NO.151/2, 26TH CROSS,
6TH BLOCK, JAYANAGAR
BENGALURU - 560 081,
REPRESENTED BY HIS GPA HOLDER
SRI. K. LAKSHMINARASIMHA MURTHY
S/O LATE N. KRISHNAPPA
AGED ABOUT 60 YEARS,
RESIDING AT NO.248, 3RD FLOOR,
6TH MAIN, 4TH BLOCK
JAYANAGAR, BENGALURU - 560 011.

...PETITIONER

(BY SRI. MARILINGE GOWDA, ADVOCATE)

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

AND:

HANUMANTHNAGRA CO-OPERATIVE BANK LTD.,

NO.7/29, 3RD MAIN ROAD
1ST CROSS HANUMANTHANAGARA
BENGALURU - 560 019,
REPRESENTED BY ITS MANAGER.

…RESPONDENT

(BY SRI. DEVARAJA A, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUIN OF INDIA PRAYING TO AS TO DIRECT THE RESPONDENT BANK TO RETURN THE ORIGINAL DOCUMENTS FURNISHED BY THE PETITIONER AT THE TIME OF BORROWING THE LOAN AND ALSO WITHDRAW ALL THE CASES FILED BY THE BANK AGAINST THE PETITIONER. SINCE THE PETITIONER IS READY AND WILLING TO PAY THE BALANCE LOAN AMOUNT AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, 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

HDK
List No.: 2 Sl No.: 54