



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 23571 OF 2024 (CS-RES)

BETWEEN:

1. MARCHANAHALLI MILK PRODUCERS
CO-OPERATIVE SOCIETY LTD
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER /SECRETARY
MALLURU HOBLI, CHANNAPATNAT ALUK
RAMANGARAM DISTRICT 562 108.
REP. BY CEO- DHANANJAYA.
REGD. UNDER KARNATAKA
CO-OPERATIVE SOCIETIES ACT.
2. THE PRESIDENT
MARCHANAHALLI MILK PRODUCERS
CO-OPERATIVE SOCIETY LTD
MALURU HOBLI, CHANNAPATNA TALUK
RAMANAGARAM DISTRICT 562 108.
REP. BY M.NAGAMMA.

...PETITIONERS

(BY SRI. SUBRAMANYA R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
M.S.BUILDING, BANGALORE
REPRESENTED BY PRINCIPAL
SECRETARY OF GOVERNMENT.





2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES
OFFICE OF THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES
RAMANAGAR SUB-DIVISION
NO.4222, MUNICIPAL LAYOUT
3RD CROSS, RAMANAGAR-562 108.

3. SMT. P.REKHA
C/O HANUMANTHA
DISMISSED SECRETARY
MARCHANAHALLI MILK PRODUCERS
CO-OPERATIVE SOCIETY LTD
MALURU HOBLI, CHANNAPATANA TALUK
RAMANAGARAM DISTRICT-562 108.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 & R2;
SRI. M.R.RAJAGOPAL SR.COUNSEL FOR
SRI. P.ANAND, ADVOCATE FOR R3 (CP NO.14600/24))

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
FOLLOWING IMPUGNED ORDER VIDE DISPUTE NO.SaNiRa-
46/DAVE-33/2019-20, DATED 07.01.2023 AND JUDGMENT
PASSED IN COP.APPEAL NO.70/2023 DATED 12.08.2024 BY
THE KAT BANGALORE VIDE ANNEXURES-C AND D
CONSEQUENTLY SET-ASIDE THE ABOVE SAID ORDER AND
JUDGMENT 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 ASHOK S.KINAGI

ORAL ORDER

The petitioners have filed this writ petition challenging the order passed in Dispute No.SaNiRa-46/Dave/33/2019-20 dated 07.01.2023 by respondent no.2 and the order passed in COP. Appeal No.70/2023 vide judgment dated 12.08.2024 by the learned Karnataka Appellate Tribunal, Bengaluru.

2. Brief facts, leading rise to the filing of this writ petition are as follows:

Respondent no.3 was working in the petitioners' Society and she was kept under suspension by order dated 19.08.2019. Aggrieved by the order of suspension, respondent no.3 raised a dispute under Section 70 of the Karnataka Co-Operative Societies Act, 1959. Respondent no.2 allowed the said dispute raised by respondent no.3 vide order dated 07.01.2023. The petitioners aggrieved by the order passed by respondent no.2 preferred an appeal in COP. Appeal No.70/2023 before the Karnataka Appellate Tribunal, Bangaluru. The Appellate



Tribunal dismissed the appeal filed by the petitioners, vide judgment dated 12.08.2024. Hence, this writ petition.

3. Heard Sri. Subramanya R., Learned counsel for the petitioners, Sri.M.R.Rajagopal, learned Senior counsel appearing for Sri. P.Anand, learned counsel for respondent no.3 and learned AGA for respondent nos.1 and 2.

4. Learned counsel for the petitioners submits that during the pendency of the dispute before respondent no.2, the petitioners have terminated respondent no.3 from the service. The said aspect was brought to the notice of respondent no.2, and the Karnataka Appellate Tribunal. The said aspect was not properly considered by respondent no.2, and Karnataka Appellate Tribunal. He submit that respondent no.3 has not challenged the order of termination from service. In view of passing of subsequent order of termination, the proceedings before respondent no.2 become redundant and hence, on these grounds he prays to allow the writ petition.

5. *Per contra*, learned Senior Counsel appearing for respondent no.3 submits that the petitioners have not served a



copy of order of termination from service, and no inquiry was held. Hence, the said order of termination is illegal and behind the back of respondent no.3. Hence, on this ground, he submits that the order passed by respondent no.2 and the judgment passed by the Karnataka Appellate Tribunal are just and proper and do not call for any interference at the hands of this Court. Hence, on this ground he prays to dismiss the writ petition.

6. Learned AGA submits that, in view of the subsequent order passed by the petitioners i.e., order of termination, the cause of action does not survive for consideration. Accordingly, prays to dismiss the petition.

7. Perused the records and considered the submissions of the learned counsel for the parties. It is an undisputed fact that respondent no.3 was working in the petitioners' Society and certain alleged allegations were made against respondent no.3 and she was kept under suspension by the petitioners vide order dated 19.08.2019. It is contented by the petitioners that an Inquiry Officer was appointed and an inquiry was conducted and the Inquiry Officer submitted reports recording its finding that the charges levelled against



respondent no.3 were proved. Based on the report submitted by the Inquiry Officer, an order dated 04.10.2022 was passed terminating respondent no.3 from service. The order of termination passed by the disciplinary authority was produced before the Registrar-respondent no.2. However, respondent no.2 without considering the said aspect has allowed the dispute raised by respondent no.3. Though the petitioners have produced the order of termination of respondent no.3 from service before the Registrar, respondent no.3 has not made any attempt to challenge the order of termination. Even the same grounds were raised before the Karnataka Appellate Tribunal. The Karnataka Appellate Tribunal recorded a finding that the petitioners have not produced any records to establish that respondent no.3 was terminated from service. The Karnataka Appellate Tribunal has not properly looked into the records produced by the petitioners.

8. Admittedly, the petitioners have terminated respondent no.3 from the service. In view of order of termination of respondent no.3 from service, the cause of action does not survive for consideration. The said aspect was



not properly considered by respondent no.2 and the Karnataka Appellate Tribunal. The impugned orders passed by respondent no.2 and Karnataka Appellate Tribunal are contrary to the records. Hence, on these grounds, the impugned orders are liable to be quashed.

9. In view of the above discussion, I proceed to pass the following:

ORDER

- a. The writ petition is ***allowed***.
- b. The impugned order vide dispute no.SaNiRa-46/Dave-33/2019-20 dated 07.01.2023 vide Annexure-C to the writ petition and the impugned judgment passed in COP.Appeal No.70/2023 dated 12.08.2024 by the Karnataka Appellate Tribunal, Bengaluru vide Annexure-D to the writ petition are hereby quashed.
- c. A liberty is reserved in favour of respondent no.3 to challenge the order of termination before appropriate forum, if so advised.
- d. All the contention of the parties are kept open.



**NC: 2026:KHC:11050
WP No. 23571 of 2024**

- e. Pending applications, if any, shall stand disposed
of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

PGG
List No.: 1 SI No.: 28