



CNR: KAHC010533582025

NC: 2026:KHC:44362
WP No. 24228 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 24228 OF 2025 (GM-KSR)

BETWEEN

MR CHIKKANNA H B
AGED ABOUT 48 YEARS
S/O BYATAIAH, ADVOCATE CLERK,
HARANAHALLI LAW PARTNERS LLP,
RESIDING AT ANANDA, NO.160,
LEVEL-2, R.T. NAGAR MAIN ROAD,
BENGALURU 560032.

...PETITIONER

(BY SRI. P.N. MANMOHAN., ADVOCATE FOR
SRI. VINAY N. ADVOCATE)

AND

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF CO-OPERATION,
VIKAS SOUDHA,
BENGALURU - 560001.
2. THE DISTRICT REGISTRAR OF SOCIETIES,
4TH ZONE, 8TH CROSS ROAD,
MALLESWARAM,
BENGALURU - 560003.
3. THE KARNATAKA STATE LEVEL
ADVOCATES CLERKS ASSOCIATION
HIGH COURT BUILDING,
BENGALURU - 560001,
REPRESENTED BY ITS PRESIDENT

...RESPONDENTS





CNR: KAHC010533582025

NC: 2026:KHC:44362
WP No. 24228 of 2025

(BY SRI. MOHAMMED JAFFAR SHAH., AGA FOR R1 & R2;
SRI. S. RAJASHEKAR., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI AND QUASH THE IMPUGNED ORDER DATED 15.07.2025 PASSED BY RESPONDENT NO.3 (PRODUCED AS ANNEXURE-L) AND ETC.,

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 28.07.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioner is before this court seeking for the following reliefs:

i. Issue a Writ of Certiorari and quash the impugned order dated 15.07.2025 passed by Respondent No.3 (produced as Annexure- "L");

ii. Issue a Writ of Mandamus directing Respondent No.1 and Respondent No.2 to forthwith appoint an administrator to take charge of the affairs of the 3rd respondent and to appoint an Election Officer and conduct elections to the Executive Committee of the Karnataka State Level Advocates' Clerks Association (KSLACA) strictly in accordance with the bye-laws and the order dated 13.06.2025 bearing No. DRB-4/Va.Le.Pa/DuRu/214/2024-25 passed by Respondent No.2 (produced as Annexure- "E");

iii. Grant such other or further reliefs as this Hon'ble Court may deem fit in the interests of justice and



2. The petitioner claims to be a member of respondent No.3- The Karnataka State Level Advocates' Clerks Association [Hereinafter referred to as 'Association'] which is a society registered under the Karnataka Societies Registration Act, 1960 in the year 2000. Certain complaints having been filed by the members of the association, respondent No.2-District Registrar of Societies vide order dated 13.06.2025, had observed that the Association had not complied with statutory requirements of holding Annual General Meetings [Hereinafter referred to as 'AGM'] for conducting elections and having failed to discharge basic obligation under the byelaws, as also under the Karnataka Societies Registration Act 1960, directed the association to within 45 days of the order, distribute application for new membership, issue identity cards to existing and senior members, convene AGM followed by election in accordance with law.
3. The Petitioner along with certain other members submitted a representation to the president of the Association on 06.02.2024 requesting the elections to be conducted in accordance with the bye-laws. Thereafter, on 10.04.2025 a notice was issued for



CNR: KAHC010533582025

special general meeting to carry out certain amendments to the byelaws and subsequently, it is alleged that a meeting of the Association was held on 03.05.2025 wherein the amendments are said to have been approved. It is alleged that in the said meeting, signatures of certain members were forged, for example signature of one Mr. Lohit Talavar having been forged, he had issued notice on 23.07.2025 to respondent No.2 alleging that there was illegality, fraud and manipulation in the association and by way of said resolution passed in general body meeting, the term of the existing committee was extended.

4. The petitioner raised this issue after which a show cause notice was issued to the petitioner on 23.06.2025 alleging that he was spreading misinformation, calling upon the petitioner to submit explanation as to why his membership should not be cancelled. It is alleged that though the petitioner replied on 11.07.2025 without considering the said reply, his membership was terminated on 15.07.2025 with immediate effect. It is aggrieved by the same that the petitioner is before this Court seeking for the aforesaid reliefs.
5. Essentially, the reliefs sought for are two folds. Firstly, to quash the suspension of membership of



CNR: KAHC010533582025

the petitioner vide order dated 15.07.2025 and secondly, a mandamus to be issued to respondents No.1 and 2 to appoint an Administrator to take charge of the affairs of the association and appoint election officer to conduct election of the Executive Committee of respondent No.3 in terms of the byelaws and quash the order dated 13.06.2025 of respondent No.2.

6. The submission of Sri.P.N.Manmohan, learned counsel for the petitioner is that the last election which was held to the managing committee was in the year 2013, thereafter the said committee has continued to be in office without holding elections. His submission is that this aspect having been considered by respondent No.2 and a detailed order was passed on 13.06.2025 calling upon the Association to conduct elections, instead of holding the election in the meeting on 03.05.2025 the term of the present Executive Committee was extended till the conduct of election, but however, neither elections have been held nor any steps have been taken for holding such elections.
7. A coordinate Bench of this Court vide order dated 12.08.2025 issued notice to respondent No.3 in the above petition. When there was no appearance made



CNR: KAHC010533582025

on behalf of respondent No.3, vide order dated 18.08.2025 the coordinate bench granted interim order permitting the petitioner to use all facilities as an Advocate clerk in terms of the identity card issued. Thereafter the respondent No.3 entered appearance and filed statement of objections, as also vacating stay application.

8. Sri.Rajashekhar, learned counsel who appears for respondent No.3 submitted that,

8.1. Respondent No.3 has been following the applicable law. Though the election by voting was held in the year 2013, thereafter the committee members have been elected unanimously. Thus, he submits that from 2013 till now the election being unanimous, there is no voting which has taken place.

8.2. His submission is that due to limited financial resources of the Association, the Association has prioritized the welfare of its members rather than spending money on the administrative expenses of elections, which involve significant financial outlay including logistical expenses, coordination efforts and perceived compliances and in that background



CNR: KAHC010533582025

NC: 2026:KHC:44362
WP No. 24228 of 2025

that as far as possible, the office bearers are being elected unanimously.

8.3. The Managing Committee has never prevented the formation or election of the new committee. It is just that there is no need to conduct elections due to the election being made unanimously. He therefore submits that there is no particular violation by the Association or the committee. The meeting of the general body was convened on 02.08.2025, when the aspect of election of office bearers for the next five years was considered and taking into consideration the directions issued by the Co-ordinate Bench of this Court in WP No. 24053/2022, where a Clerks' Welfare Fund [Kalyana Nidhi] is required to be established, the general body resolved that the existing officer bearers shall continue to manage and administer the Association for a next term from 2025 to 2030 until the welfare fund is implemented. He therefore submits that the General Body having decided to continue the existing Office bearers for a period of five years, the petitioner cannot have any grievance in relation thereto.



CNR: KAHC010533582025

NC: 2026:KHC:44362
WP No. 24228 of 2025

- 8.4. That apart, he made various submissions as regard to steps taken by the Association for the welfare of its members and submits that the Association has been always acting in the interest of members.
9. Sri. Mohammed Jaffar Shah Learned AGA submits that for the purpose of formation and or the constitution of the Kalyana Nidhi, the State, which has agreed to make available funds as a largesse, has mandated that all the clerks in the entire State of Karnataka would have to be enrolled as members with respondent No.3. This having been communicated to the respondent No.3 on several occasions over several years, respondent No.3 has not taken any steps in relation thereto. It is for that reason that the Kalyana Nidhi is not established nor did the State grant any funds to the Association. He submits that even if the present committee were to continue for five years, as allegedly approved by the general body, unless and until all the clerks are enrolled as members, the question of formation of Kalyan Nidhi would not arise. There being complete inaction on the part of the existing committee to enroll all clerks as members, further action has not been taken. His submission also is that once all the



CNR: KAHC010533582025

NC: 2026:KHC:44362
WP No. 24228 of 2025

clerks are enrolled as members and details thereof are provided, the State would favourably consider making available grants for the Clerks' Association.

10. Heard Sri.P.N. Manmohan, learned counsel for the petitioner, Sri. Mohammed Jaffer Shah, learned AGA for respondents No.1 and 2, Sri. S Rajshekar, learned counsel for respondent No.3.

11. Section 27A of the Karnataka Societies Registration Act, 1960 is reproduced hereunder for easy reference:

27A. Appointment of Administrator.- Notwithstanding anything in this Act,—

(1)(a) where any society on account of the pendency of litigation or otherwise has not held or is unable to hold the annual general meeting; or

(b) where the term of office of the members of the governing body of a society has expired and a new governing body has not for any reason been constituted; or

(c) where on a report made by the Registrar or otherwise, on enquiry, the State Government considers it necessary in public interest so to do, -the State Government may, by order published in the official Gazette, appoint an Administrator for such society for such period, not exceeding six months, as may be specified in the order, to manage the affairs of the society:

Provided that for reasons to be recorded in writing, the State Government may, by like order, 1 [extend either prospectively or retrospectively, the said period]1 by any



CNR: KAHC010533582025

NC: 2026:KHC:44362
WP No. 24228 of 2025

further periods not exceeding six months at a time, so however subject to the provisions of clause (5), the aggregate period shall not extend beyond four years.

(2) the expenditure incurred by the State Government towards the salary and allowances of the Administrator shall be paid to the State Government from out of the funds of the society;

(3) on the appointment of the Administrator under clause (1) and during the period of such appointment the governing body of the society shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations or any other law and subject to any directions which the State Government, may from time to time issue, all such functions or duties shall be performed or discharged by the Administrator;

(4) the Administrator shall, before the expiry of the period of his appointment take necessary action to convene the general body meeting of the society and hold elections for the constitution of the governing body;

(5) if the Administrator is not, for reasons beyond his control, able to convene the general body meeting or in spite of such meeting being convened, the general body fails to elect the governing body, the Administrator shall forthwith send a report to the State Government, who may pass such orders as are considered necessary, either extending the period of appointment of the Administrator for a further period or if satisfied that public interest so requires, for the dissolution of the society;

(5A) the State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the Advisory Council shall hold office during the pleasure of the State Government.



CNR: KAHC010533582025

(6) where an order of dissolution is passed under sub-section (5) the assets of the society shall vest in and the liabilities shall devolve on the State Government.

12. In terms of Clause (a) of Sub-Section (1) of Section 27A, where any society on account of the pendency of litigation or otherwise has not held or is unable to hold the annual general meeting or in terms of Clause (b) of Sub-Section (1) of Section 27A, where the term of the Office of Members of the governing body of society is expired and a new governing body is not for any reason been constituted, the State Government may by order publish in the Official Gazette, appoint an Administrator, for such society for such period, not exceeding six months as may be specified in the order, to manage the affairs of the society.
13. In the present case, though it is contended that the office bearers are being elected unanimously, the fact remains that after the term of elected governing body members, which expired in 2013, no new governing body has been elected.
14. The submission of Sri.Rajashekhar, learned counsel for respondent No.3 in this regard is that the fact that the new governing body has been elected unanimously, there was no requirement for elections to be held. Therefore, there is a constitution of the



CNR: KAHC010533582025

governing body which would make Clause (b) of Sub-Section (1) of Section 27A inapplicable. Hence, the question of appointment of any Administrator would not arise.

15. On enquiry as to whether the clerks across the State of Karnataka have been made members of respondent No.3-Association, and whether necessary forms have been issued for such membership as directed, by the respondent No. 2 on 13.06.2025, he fairly submits no such forms have been issued and no new membership has been provided.
16. The submission of learned AGA for the State is that all the clerks across the State have to become members of respondent No.3 and there has been a specific direction issued by respondent No.2 on 13.06.2025 as per Annexure-E that within 45 days the committee is required to distribute application for new membership, issue identity cards to the existing and senior members and convene a general meeting. It is without issuing such membership forms and or completing the process of enrolling members, that a meeting was held on 02.08.2025, when the aforesaid resolution was passed that until the formation of the Kalyana Nidhi is made, the existing committee will continue for the next term of five years.



17. This Court is of the considered opinion that such a stand or a procedure adopted by society is not only contrary to the orders of the respondent No.2 dated 13.06.2025 but is in the teeth of Clause (b) of Sub-Section (1) of Section 27A. The alleged defence that the committee members are being elected unanimously is no defence at all inasmuch as it is the existing members who have allegedly elected or selected the governing body. This would have been acceptable if all the clerks across the State had become members and all of them in a general meeting had unanimously elected or selected the governing body. Without enrolling all the clerks as members, the question of the existing members holding annual general meeting and unanimously selecting the governing body is not in accordance with law.
18. The existing committee as well as the general body ought to have complied with Order dated 13.06.2025 of respondent No.2. Not having done so, they also ought not to have targeted the petitioner who had raised this issue. It is for that reason that the Co-ordinate Bench of this Court has stayed the suspension of membership of the petitioner.



19. In that view of the matter, this Court is of the considered opinion that since the Executive Committee has not followed the directions issued on 13.06.2025 and there has been no election conducted from the year 2013, irrespective of the contention that there is a unanimous election/selection of the office bearers, the same not being done by enrolling all the clerks in the State of Karnataka as members of the respondent no. 3, this Court deems it fit to appoint an Administrator and directs the respondent No.1 to appoint an Administrator in terms of Clause (b) of Sub-Section (1) of Section 27A of the Karnataka Societies Registration Act, 1960.
20. The Administrator shall comply with the directions issued by respondent No.2 vide its order dated 13.06.2025. The Administrator shall take over the administrative responsibilities of the respondent No.3. The Administrator shall issue necessary forms to all clerks interested in becoming members of the respondent No.3, the membership forms shall be made available at all the Advocates' Associations across the State of Karnataka, as also available on the website of respondent No.2 for intending members to download, fill up the same and submit it



CNR: KAHC010533582025

to Respondent No.3 for enrollment as members. The Administrator is also directed to enable an e-enrollment mechanism to enable all the clerks to enroll themselves by submitting the application and uploading the necessary documentation, which shall be verified electronically by the Administrator, so as to reduce the logistical cost in relation thereto.

21. The Administrator shall also implement a manner and methodology of conducting elections to respondent No.3 with as little cost as possible by also considering e-voting as done in respect of AGMs of the companies etc.
22. In the above circumstances I pass the following:

ORDER

- i. The Writ petition is allowed.
- ii. Certiorari is issued, the impugned Order dated 15.07.2025 at Annexure-L passed by respondent No.3 is quashed.
- iii. Respondent No.1 is directed to, within 15 days of the receipt of the copy of this order, appoint a suitable person as an Administrator to take charge of the affairs of the respondent No.3, who shall act in terms of Sub-Section (3) of



NC: 2026:KHC:44362
WP No. 24228 of 2025

CNR: KAHC010533582025

Section 27A and in terms of Sub-Section (4) of Section 27A.

- iv. The Administrator shall take all necessary action to convene the General Body Meeting of the Society after enrolling all clerks across the State of Karnataka and hold elections for the constitution of the governing body.
- v. The enrollment process to be completed within 60 days from the date of appointment of the Administrator, and thereafter the election process to be completed within 60 days of such enrollment being completed.
- vi. Though the above matter is disposed, relist on **27.11.2026** for reporting compliance with the enrollment process.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

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List No.: 2 Sl No.: 2