



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO.29487 OF 2025 (CS-RES)

BETWEEN:

1. SRI. M. BABU
S/O LATE M MUNISWAMI REDDY
AGED ABOUT 55 YEARS
HENNAGARA
HENNAGARA POST
BENGALURU URBAN DISTRICT – 560105.

...PETITIONER

(BY SRI. ANAND P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
MS BUILDING
DR B R AMBEDKAR VEEDHI
BENGALURU - 560 001
REPD. BY ITS PRINCIPAL SECRETARY.
2. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCITIES
BENGALURU REGION





SAHAKRA SOUDHA
3RD FLOOR MARGOSA ROAD
MALLESHWARAM
BENGALURU – 560 003.

3. THE ADDITIONAL REGISTRAR OF
CO-OPERATIVE SOCIETIES
(C & M) OFFICE OF
THE REGISTRAR OF
CO-OPERATIVE SOCIETIES IN
KARNATAKA NO.1
ALI ASKER ROAD
BENGALURU – 560 054.

4. HORTICULTURE PRODUCERS
CO-OPERATIVE MARKETING
AND PROCESSING SOCIETY LTD
(HOPCOMS)
DR. M H MARIGOWDA ROAD
LALBAG, BENGALURU – 560 004.
REPRESENTED BY ITS
MANAGING DIRECTOR.

5. SMT. H. K. NAGAVENI
W/O D. CHANDRASHEKAR
AGED ABOUT 49 YEARS
DIRECTOR (HOPCOMS)



R/AT SVVN SCHOOL ROAD
VENKATEAPPA GARDEN
5TH WARD DOMMASANDRA
BENGALURU – 562 125.

6. SRI. A.S. CHANDREGOWDA
S/O A.V. SHAMANNA GOWDA
AGED ABOUT 61 YEARS
DIRECTOR (HOPCOMS)
R/AT MUTHUR MALLUR
SHIDLAGAHATTA TALUK
CHIKKABALLAPURA DISTRICT – 562 102.

7. SRI. N. DEVARAJ
S/O NAGARAJAIAJ V.
AGED ABOUT 53 YEARS
DIRECTOR (HOPCOMS)
R/AT NO.55, DODDA HAGADE
ANEKAL, BENGALURU - 562 106.

8. SRI. G.R. SRINIVASAN
S/O RAMAIAH
AGED ABOUT 69 YEARS
DIRECTOR (HOPCOMS)
R/AT NANDI CHIKKABALLAPURA TALUK
AND DISTRICT – 562 101.



9. SRI. N. GOPALKRISHNA
S/O GOPALKRISHNA
AGED ABOUT 80 YEARS
PRESIDENT (HOPCOMS)
R/AT ARAHALLI
KOLAR DISTRICT – 563 101.
10. SRI. B. MUNEGOWDA
S/O LATE BYREGOWDA
AGED ABOUT 69 YEARS
DIRECTOR (HOPCOMS)
R/AT NO.23 PALYA, KANNAMANGALA
BENGALURU RURAL DISTRICT – 562 106.

...RESPONDENTS

(BY SMT. MONICA PATIL, C/R5 – R10;
SRI. YOGESH D. NAIK, AGA FOR R1 TO R3 (MA NOT FILED);
SRI. T. DADAKHALANDAR, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO THE ORDER DATED 16-07-2025 PASSED IN APPEAL NO.ANI(C AND M)/D3/DAP/03/2024-25 BY THE ADDITIONAL REGISTRAR OF CO-OPERATIVE SOCIETIES(C AND M), BENGALURU I.E., RESPONDENT NO.3 HEREIN, VIDE ANNEXURE-M.



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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. This writ petition is filed by the petitioner seeking the following reliefs:

- i. Issue a writ in the nature of certiorari quashing the order dated 16.07.2025 passed in appeal No. ANI(C and M)/D3/DAP/03/3034-2025 by the Additional Registrar of Co-operative Societies (C & M), Bengaluru i.e., Respondent No.3 herein, vide Annexure M.*
- ii. Pass such other direction or order in the writ as may deem fit to this Hon'ble court may kindly be issued.*

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

3. The Petitioner is a member, former President and Director of Respondent No.4 society, the petitioner and



other similarly situated members have submitted a complaint in the form of representation dated 24-02-2015 to Respondent No.3 and wherein have made as many 12 allegations concerning the illegalities and mismanagement committed by the Board of Management and Officials of the said society, which were to be looked into by the Authorities by conducting an enquiry. Respondent No.3 has sent across a communication dated 03-03-2015 addressed to Respondent No.2 herein with a request to conduct an enquiry under Section 64 of the Act regarding the contents of the complaint submitted by the petitioner and others. Further, Respondent No.2 has passed an order dated 07-09-2015 whereby by leveling 12 charges as against Respondent Nos.5 to 10, has appointed the Deputy Registrar of Co-operative Societies, South Zone, Bengaluru, as Enquiry Officer with a direction to conduct the enquiry under Section



64 of the Act within a period of 3 months from the date of said order to and submit report thereon.

4. On 08.05.2019, Respondent No.2 has sent communication to the Enquiry Officer for his inaction. Further, on 28.08.2020, Respondent No.2 was constrained to pass a fresh order by appointing the Assistant Registrar of Co-operative Societies, 3rd Zone, Bengaluru Urban District with a direction to conduct enquiry under section 64 of the Act.
5. The Petitioner and others have filed writ petition No. 18058/2021(CS-RES) before this Hon'ble Court for writ of *mandamus*. This Hon'ble Court passed an order dated 05.10.2021 directing the Enquiry Officer to accomplish the subject enquiry within an outer limit of three weeks.
6. On 14.02.2023, the Enquiry Officer has submitted his findings in the form of report to the appointing Authority i.e., Respondent No.2 herein. On



10.07.2023, Respondent No.2 has passed the order under section 68 of the Act directing the Respondent No.4 society to submit a compliance report within 30 days from the date of receipt of the order.

7. Further, Respondent No.2 initiated suo-moto proceedings under section 29-C of KCS Act, 1959 against Respondent Nos.5 to 10 and issued a show-cause notice to that effect. Respondent No.2 submitted a reply to the show cause notice issued by respondent No.2. Further, Respondent No.2 has passed an order dated 30.11.2024 disqualifying the Respondent Nos.5 to 10 for a period of 5 years from holding office of Respondent No.4 and any other co-operative societies. Being aggrieved by the order passed by Respondent No.2, Respondent Nos.5 to 10 have filed an appeal before Respondent No.3 under section 106(1)(d-2) of the KCS Act, 1959.

8. Respondent No.3 has passed an order dated 16.07.2025 allowing the appeal filed by Respondent



Nos.5 to 10 and set aside the order of disqualification dated 30-11-2024 passed by Respondent No.2. Hence, this petition.

9. Heard the arguments Sri. M.R. Rajagopal, learned senior counsel for the petitioner and Sri. Jayakumar S. Patil, learned senior counsel for the respondents.

10. Learned senior counsel for the petitioner submits that, at the instance of the petitioner and others, the enquiry was initiated under Section 64 of the Act regarding as many as 12 charges leveled against respondent Nos. 5 to 10. The enquiry officer submitted a report to respondent No. 2 and on the receipt of the same, respondent No.2 has passed an order under Section 68 of the Act directing respondent No. 4 to rectify the defects made over in the enquiry and to submit a compliance report. Respondent No. 4 did not comply with the directions issued by respondent No. 2. He submits that respondent No. 2 has passed an order of disqualification against respondent Nos.5 to 10



under Section 29-C of the Act, 1959. However, the same was assailed in appeal under section 106(2) (d-2) of the Act before respondent No.3. He submits that respondent No.3 has set aside the order passed by respondent No.2 by passing the impugned order. He submits that respondent No.2 has rightly considered the materials on record and has passed the order of disqualification against respondent Nos.5 to 10. However, he submits that respondent No. 3 without looking into the gravity of charges leveled against respondents No. 5 to 10 has passed the impugned order.

11. Regarding the question of *locus* in filing the instant writ petition, the learned senior counsel for the petitioner submits that, the petitioner has a *locus standi* to approach this Hon'ble court under Article 226 of the Constitution of India. He submits that, in exceptional cases, even a stranger or a person who was not a party to the proceedings before the



authority, but having a substantial and genuine interest in the subject matter of the proceedings can knock the doors of this Hon'ble court under Article 226 of the Constitution of India.

12. Further, to buttress his arguments he placed reliance on the following authorities of the Hon'ble Apex court:

- 1) *Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed and others reported in (1976) 1 SCC 671.***
- 2) *Basudev Dutta v. State of West Bengal and others reported in 2024 SCC ONLINE SC 3616***

13. Accordingly, he submits that, the order passed in an appeal under Section 106 of the KCS Act is without application of mind. Hence, prays to allow the petition.

14. *Per contra*, learned senior counsel for the respondents submits that, Respondent No.2 has passed an order under section 29-C(8)(b)(c) and (d) and not



under Section 29-C(1) of the KCS Act, 1959. He submits that the petitioner herein was not the party to the proceedings before Respondent No.2 and Respondent No.3, therefore he has no *locus standi* in filing the present petition. He submits that infringement of some legal right to some legal interest inhering in the petitioner is necessary to give him a *locus standi* in the matter. He submits that the petitioner was not to entitled object and be heard before the authority before it took the impugned action. He submits that the court is not bound to interfere at the instance of stranger in entertaining the writ petition. He submits that, the petitioner herein acted only as the informant/complainant to the Registrar of the society and it would not be proper to hold that there exists a *lis* between him and the respondents. He submits that the scope of Article 227 of the Constitution of India is very limited unlike Article 226.



15. To buttress his arguments, he placed reliance on the following judgments:

A. Vijaykumar And Others V. The State Of Karnataka in WP No. 17898/2023.

B. S. Srinivas and others v. The State of Karnataka and others in WP No. 54844-849/2013

C. Appa Saheb R. kerakalamatti v. Additional Registrar of Cooperative Societies in Karnataka and others reported in AIR 1985 KAR 202

D. Sri. S. P. Dinesh v. the State of Karnataka and others in W.P. No. 21894 of 2024

E. Parappa v. Nandarayappa and others reported in 1997 SCC Online KAR 568.



Accordingly, on these grounds, prays to dismiss the petition.

16. Perused the records, and considered the submissions of the learned senior counsel for the parties.

17. It is undisputed that the petitioner and other similarly situated members have submitted a complaint in the form of representation dated 24-02-2015 to Respondent No.3. Respondent No.3 has sent across a communication dated 03-03-2015 addressed to Respondent No.2 herein with a request to conduct an enquiry under Section 64 of the Act. Respondent No.2 the Assistant Registrar of Co-operative Societies, 3rd Zone, Bengaluru Urban District with a direction to conduct enquiry under Section 64 of the Act.

18. Further, on 14.02.2023, the Enquiry Officer had submitted his findings in the form of report to the Appointing Authority i.e., Respondent No.2 herein. On 10.07.2023, Respondent No.2 has passed the order



under Section 68 of the Act directing the Respondent No.4 society to submit a compliance report within 30 days from the date of receipt of the order.

19. Respondent No.2 initiated suo-moto proceedings under Section 29-C of KCS Act, 1959 and has passed an order dated 30.11.2024 disqualifying the Respondent Nos.5 to 10 for a period of 5 years from holding office of Respondent No.4 and any other Co-operative societies. Being aggrieved by the order passed by Respondent No.2, Respondent Nos.5 to 10 have filed an appeal before Respondent No.3 under Section 106(1)(d-2) of the KCS Act, 1959.

20. Respondent No.3 has passed an order dated 16.07.2025 allowing the appeal filed by Respondent Nos.5 to 10 and set aside the order of disqualification dated 30-11-2024 passed by Respondent No.2.

21. This Court deems it appropriate to examine the *locus standi* of the petitioner in questioning the impugned



order before going into the merits of the case. It is pertinent to note that in the instant writ petition, the petition claims to be the member, former President and Director of Respondent No.4 society. Looking into the proceedings initiated before respondent No. 2 and Respondent No. 3, it is evident that the petitioner was not a party to the said proceedings i.e., either before respondent No 2, and respondent No. 3.

22. Sri. Jayakumar S. Patil, learned senior counsel for the respondents, submits that the petitioner is a stranger to the proceedings and cannot maintain a writ petition. He submits that there should be infringement of some legal right and the petitioner herein was not entitled to the object and to be heard before the authorities which passed the impugned order.

23. The Hon'ble Apex court in the case of ***Jasbhai Motibhai Desai Vs. Rohan Kumar, Haji Bashir Ahmed*** reported in ***1976(1) SCC 671***, the authority relied upon by the learned senior counsel for the



petitioner, also held that a stranger who is not an aggrieved person cannot maintain a Writ for either *Certiorari* or *Mandamus*. The relevant paragraphs of the aforesaid decision of the Hon'ble Supreme Court is reproduced hereunder:

"50. While a Procrustean approach should be avoided, as a rule, the Court should not interfere at the instance of a "stranger" unless there are exceptional circumstances involving a grave miscarriage of justice having an adverse impact on public interests. Assuming that the appellant is a "stranger", and not a busybody, then also there are no exceptional circumstances in the present case which would justify the issue of a writ of certiorari at his instance. On the contrary, the result of the exercise of these discretionary powers, in his favour, will, on balance, be against public policy. It will eliminate healthy competition in this business which is so essential to raise commercial morality, it will tend to perpetuate the appellant's monopoly of cinema business in the town; and above



all, it will in effect, seriously injure the fundamental rights of Respondent Nos.1 and 2, which they have under Article 19(1)(g) of the Constitution, to carry on trade or business subject to "reasonable restrictions imposed by law".

(Emphasis Supplied)

24. Further, the Hon'ble Apex court in the case of **Vinoy Kumar Vs. State of U.P. and others** reported in **2001 (4) SCC 734** held in para No. 2 as follows :

"2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas -corpus or



quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Court for relief"

(Emphasis Supplied)

25. Similarly, in ***Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others*** reported in **(2013) 4 SCC 465**, the Hon'ble Apex Court held as follows:



"9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief



prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [Vide State of Orissa v. Madan Gopal Rungta [AIR 1952 SC 12] , Saghir Ahmad v. State of U.P. [AIR 1954 SC 728] , Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. [AIR 1962 SC 1044] , Rajendra Singh v. State of M.P. [(1996) 5 SCC 460 : AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [(2009) 2 SCC 784].]

10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right



or interest has been adversely affected or jeopardised. (Vide Shanti Kumar R. Canji v. Home Insurance Co. of New York [(1974) 2 SCC 387 : AIR 1974 SC 1719] and State of Rajasthan v. Union of India [(1977) 3 SCC 592 : AIR 1977 SC 1361])

(Emphasis Supplied)

26. Now, the factual matrix of the present case is to be looked into, in the light of aforesaid authorities laid down by the Hon'ble Apex court. Looking into the judgments referred supra, it can be made out that the Supreme Court emphasized that existence of enforceable rights of aggrieved parties form the pre-condition to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India. In the light of the above, the petitioner is required to satisfy that he is the aggrieved person by the impugned order passed on appeal under Section 106 of the KCS Act. Also, he is required to establish that he is affected by the impugned order, or whether he falls within the category



of aggrieved persons, or whether he has suffered any legal injury.

27. Admittedly, the petitioner only made a complaint to Respondent No.3 regarding the irregularities in the society. Thereafter, Respondent No.3 directed Respondent No.2 to hold an enquiry. However, it is pertinent to note that the proceedings initiated under Section 29-C of the KCS Act, was initiated *suo-moto* and the society was not the applicant therein. Also, the society / the concerned authorities have not assailed the impugned order before this court, which ought to have assailed it. Further, if the register of the Co-operative society has initiated the proceedings on the complaint filed by the applicant, in such a situation, it would not be proper to hold that there is a *lis* between the complainant and the directors of the society. The complaint filed, will only act as a material for the concerned authority to initiate the action for disqualification or removal. The applicant cannot claim



to be a party to the proceedings as his rights would not be in question and therefore, he cannot be termed as an aggrieved person. The said view is supported by the judgment of the Co-ordinate bench of this court in the case of ***S. Srinivas and others v. The state of karnataka and others*** in W.P. No. 54844-849 of 2013 disposed of , on 04-03-2024.

28. Admittedly, in the instant case, the petitioner and the others are the informants/complainants to the Registrar and the disqualification proceedings were initiated suo-moto. Therefore, complaint filed, will only act as a aid to the concerned authority to initiate the action for disqualification or removal.

29. The petitioner is required to satisfy that he is the aggrieved party, however, from the perusal of the cause title it is crystal clear that the petitioner has assailed the impugned order in his individual capacity and the society has not challenged the same. Further, having reference to the authorities aforementioned, it is



needles to state that there is no public interest involved in this petition.

30. Further, though learned senior counsel for the petitioner placed reliance on the Judgment of the Hon'ble Apex court in the case of ***Jasbhai Motibhai Desai*** (referred supra), supporting his contention that the petition has locus in filing the present writ petition since he has a genuine and substantial interest in the subject in issue. However, as rightly pointed out by the learned senior counsel for the respondents, the Apex court while concluding held that the petitioners therein had no locus.

31. In view of the above discussion, I find no grounds to entertain this writ petition, since it is *bereft* of *locus*.

32. For the foregoing discussion, I proceed to pass the following order:

ORDER

- i. The Writ petition is ***dismissed***.



NC: 2026:KHC:11655
WP No. 29487 of 2025

ii. Pending applications, if any,
shall stand *disposed of*.

Sd/-
(ASHOK S.KINAGI)
JUDGE

sks(online)