



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.101717 OF 2026 (CS-RES)

BETWEEN:

KUNDALA AMMIRAJU
S/O. SATYANARAYAN,
AGED ABOUT 63 YEARS,
OCC. AGRI.,
R/O. KOTAYYA CAMP,
GANGAVATI-583227.

...PETITIONER

(BY SRI. S.H. MITTALKOD, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA,
REPRESENTED BY SECRETARY,
COOPERATIVE DEPARTMENT,
M.S. BUILDING, BENGALURU-560001.
2. THE DEPUTY REGISTRAR,
KOPPAL, DC OFFICE COMPLEX,
HOSAPETE ROAD, KOPPAL-583231.
3. ASSISTANT REGISTRAR,
KOPPAL DN. KOPPAL,
DC OFFICE COMPLEX,
HOSAPETE ROAD, KOPPAL-583231.
4. SALES OFFICER,
PRIMARY CO-OPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK LTD.,





AT GANGAVATI-583227, DT. KOPPAL.

5. PRIMARY CO-OPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK LTD.,
REPRESENTED BY ITS SECRETARY,
AT GANGAVATI-583227, KOPPAL.
6. SMT. KOLLI SATYAVATI
W/O. SUBHASCHANDRA BOSE,
AGE. 67 YEARS, OCC. HOUSE HOLD WORK,
KOTAYYA CAMP, POST HOSAKERA,
TQ. GANGAVATI-583227, DT. KOPPAL.
7. SRI. SRINIVAS S/O. PURUSHOTTAM,
AGE. 53 YEARS, OCC. AGRI.,
BAPIREDDY CAMP, TQ. GANGAVATI-583227,
DT. KOPPAL.

...RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO EXERCISE THE JURISDICTION UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA AND ISSUE, A) ISSUE A WRIT OF MANDAMUS TO RESPONDENT NO.2 TO RECEIVE THE APPEAL MEMO ANNEXURE AND PASS SUITABLE ORDERS IN ACCORDANCE WITH LAW. B.) ISSUE ANY SUCH OTHER ORDERS OR DIRECTIONS AS THE HON'BLE COURT DEEMS FIT AND PROPER IN THE NATURE AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed seeking the following prayers:

a) Issue a writ of Mandamus to Respondent no.2 to receive the Appeal memo Annexure and pass suitable orders in accordance with law.

B.) Issue any such other orders or directions as the Hon'ble Court deems fit and proper in the nature and circumstances of the case in the interest of justice and equity."

2. It is the case of the petitioner that the petitioner is the owner of the open plot measuring 65 cents out of NA plot measuring 75 cents bearing Panchayath No.197/11, situated in Kotayya Camp in Hosakere village panchayath limits, Gangavathi Taluk, Koppal District. This property was earlier owned by the respondent No.6, who agreed to sell the same to the petitioner on 20.10.2008 but failed to execute the sale deed. The petitioner had filed a suit for specific performance i.e., O.S.No.2/2009 and the same was decreed. The respondent No.6 challenged the same by filing R.A.No.46/2010 and R.S.A.No.5488/2011 and he was unsuccessful in both the appeals. The petitioner filed E.P.No.42/2010 and got the decree executed. After unsuccessful attempts in both the appeals, the respondent No.6 in collusion



with respondent No.5 and 7 had brought the said property for auction in CEP No.1830/1997-98 for the loan obtained by him and the property was auctioned on 31.03.2012. As on the date of the auction, the respondent No.6 was not the owner of the property, as the petitioner had become the owner of the property by virtue of the sale deed executed by the Court. No notice of auction was issued by the respondent No.4 and 6. The petitioner has presented an appeal memo under Section 106(2)(a) and Section 106(1) of the Karnataka Co-operative Societies Act, 1959 (for short 'the Act'), but the respondent No.2 has returned the appeal, since he had no jurisdiction. The same is questioned before this Court by filing the instant writ petition.

3. The learned counsel appearing for the petitioner submits that when an appeal is filed under Section 106(2)(a) and Section 106(1) of the Act, even if the appeal is not maintainable, respondent No.2 has to pass a reasoned order and cannot return the same by way of an endorsement. Hence, the petitioner filed the present writ petition seeking a direction to the respondent No.2 to receive the appeal and pass suitable orders.



4. Learned HCGP submits that she will get instructions and make her submissions.

5. Having heard the learned counsel on either side, perused the material on record. When an appeal is filed before the respondent No.2, and the respondent No.2 with the powers vested with him under Section 106(2)(a) and Section 106(1) of the Act, even if the appeal is not maintainable, he has to pass a reasoned order and as rightly argued by the learned counsel for the petitioner, it cannot be returned by way of a memo as it is done in this case. In that view of the matter, this Court is passing the following:

ORDER

- (i) The memo dated 30.11.2025 issued by the respondent No.2 is ***set aside***.
- (ii) The respondent No.2 is directed to consider the appeal of the petitioner in accordance with the provisions of the Karnataka Co-operative Societies Act, 1959 and pass appropriate



orders by giving opportunity to all the concerned.

- (iii) Accordingly, the writ petition is ***disposed off.***
- (iv) All I.As., in this writ petition stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

YAN
CT: UMD
List No.: 1 Sl No.: 24