



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.101740 OF 2026 (CS-RES)

BETWEEN:

RAJU S/O. BEERAPPA WAGHAMODE,
AGE. 46 YEARS, OCC. AGRICULTURE,
CHIEF PROMOTER, PROPOSED SHRI KANAKADAS
PRATHMIK KRUSHI PATTIN SAHAKARI SANGH NIYAMIT,
UGARKHURD, TQ. NIPPANI, DIST. BELAGAVI-591316.

...PETITIONER

(BY SMT. SANJANA S.MUDHOL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, BENGALURU-560001.
2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETY,
BELAGAVI, CHIKKODI SUB-DIVISION,
CHIKKODI, TQ. BELAGAVI,
DIST. BELAGAVI, PIN-590001.

...RESPONDENTS

(BY SMT. KIRTELATA R.PATIL, HCGP FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO 1. TO ISSUE WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 29/04/2022 IN NO.AR-11/RSR/275/2020-21 PASSED BY THE 2ND RESPONDENT VIDE ANNEXURE-E. 2. TO ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO GRANT PERMISSION TO FLOATING OF SHARE AMOUNT FOR PRE-REGISTRATION OF THE SOCIETY IN THE NAME OF THE PROPOSED SHRI KANAKADAS PRATHMIK KRUSHI PATTIN SAHAKARI SANGH NIYAMIT, UGARKHURD, TQ. NIPPANI, DIST. BELAGAVI, BY ALLOWING THIS WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY. 3. TO ISSUE ANY OTHER ORDER, DIRECTIONS AS DEEMS IN THE CIRCUMSTANCES OF THE CASE.

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

VIJAYALAKSHMI
M KANKUPPI



Digitally signed by
VIJAYALAKSHMI
M KANKUPPI
Date: 2026.04.09
17:12:48 +0530



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner has filed this writ petition challenging the impugned order dated 29.04.2022 passed by respondent No.2, vide Annexure-E, and has sought a writ of mandamus directing respondent No.2 to grant permission for collection of share capital for re-registration of the society.

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

The petitioner, who was elected as the Chief Promoter of the proposed *Shri Kanakadas Prathmik Krushi Patin Sahakari Sangh Niyamit*, collected the relevant documents and submitted a proposal to respondent No.2 seeking permission for collection of share capital for registration of a new co-operative society at Ugarkhurd Village, Belagavi.

3. Respondent No.2, however, rejected the proposal of the petitioner vide Annexure-E. Aggrieved by the same, the petitioner has filed the present writ petition.



4. Heard the arguments of the learned counsel for the petitioner, and the learned Additional Government Advocate.

5. Learned counsel for the petitioner submits that respondent No.2 passed the impugned order without issuing a proper notice, and without providing an opportunity of personal hearing to the petitioner. It is submitted that the impugned order is in violation of the principles of natural justice. Accordingly, on these grounds, she prays to allow the writ petition.

6. *Per contra*, learned Additional Government Advocate submits that a show-cause notice was issued to the petitioner. However, the petitioner failed to appear before respondent No.2, and therefore, the impugned order come to be passed in accordance with law. Hence, on these grounds, she prays to dismiss the writ petition.

7. Perused the records, and considered the submissions made by the learned counsel for the parties.

8. It is an undisputed fact that the petitioner was elected as the Chief Promoter of the proposed society, and



had submitted an application seeking permission for the collection of share capital for registration of a new co-operative society.

9. From the perusal of records, it is seen that respondent No.2 issued a show-cause notices dated 08.04.2022 and 22.04.2022. The second show-cause notice directed the petitioner to appear on the very same day ie., on 22.04.2022.

10. On perusal of the said notices, it is evident that no sufficient opportunity of hearing was provided to the petitioner before passing the impugned order. Therefore, the impugned order passed by respondent No.2 is in violation of the principles of natural justice and is liable to be set aside. Accordingly, I proceed to pass the following order.

ORDER

- i. The writ petition is ***allowed***.



- ii. The impugned order dated 29.04.2022 passed by respondent No.2, vide Annexure-E, is hereby quashed.
- iii. Respondent No. 2 is directed to reconsider the application of the petitioner and to provide sufficient opportunity to the petitioner to place documents in support of his application, and thereafter pass appropriate orders in accordance with law.
- iv. The petitioner is directed to appear before respondent No.2 on **16.04.2026**. Respondent No.2 shall pass appropriate orders within two months from the date of appearance of the petitioner

Sd/-
(ASHOK S. KINAGI)
JUDGE

AC
CT: UMD
List No.: 1 Sl No.: 63