



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.102391 OF 2022 (CS-DAS)

BETWEEN:

LAGAMANNA S/O. MALLAPPA MARADI,
AGE. 93 YEARS, OCC. AGRICULTURIST,
R/O. HATTARAGI, TQ. HUKKERI,
DIST. BELAGAVI-591243.

(SINCE DECEASED BY HIS LR'S)

SONAVVA W/O. LAGAMANNA MARADI,
AGE. 90 YEARS, OCC. HOUSEWIFE,
R/O. # 56, THERANI LANE HOUSE NO.1
TO 26, THANA HATTARAGI, HUKKERI,
BELAGAVI-591243.

(SINCE DECEASED BY HER LR'S)

VIJAYALAKSHMI
M KANKUPPI



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VIJAYALAKSHMI
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- 1B. BASAVANNI S/O. LAGAMANNA MARADI
AGE. 62 YEARS, OCC. AGRICULTURE,
R/O. 312 MARADI GALLI, HATTARAGI,
TAHANA HATTARAGI, BELAGAVI-591243.
- 1C. SUSHILA N.AJJANNAVAR
W/O. NINGAPPA B.AJJANNAVAR,
AGE. 64 YEARS, OCC. HOUSEWIFE,
R/O. VEERABHADRESHWAR NILAY,
SANGAMESHWAR NAGAR, PLOT NO.2,
BELAGAVI-590010.
- 1D. SHIVAPUTRA MARADI S/O. LAGAMANNA MARADI,
AGE. 41 YEARS, OCC. AGRICULTURE,



R/O. 312 MARADI GALLI, HATTARAGI,
TAHANA HATTARAGI, BELAGAVI-591243.

- 1E. SUJATA W/O. CHANDRASHEKHAR,
AGE. 45 YEARS, OCC. HOUSE WIFE,
R/O. NAGANUR, BELAGAVI-591224.
- 1F. PRADEEP S/O. CHANDRASHEKHAR MARADI,
AGE. 24 YEARS, OCC. STUDENT,
R/O. NAGANUR, BELAGAVI-591224.

...PETITIONERS

(BY SRI. GIRISH V.BHAT, ADVOCATE)

AND:

1. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
SPM ROAD, OPP. PRAKASH THEATRE,
BELAGAVI REGION, DIST. BELAGAVI-590 001.
2. THE GENERAL MANAGER,
YAMAKANA MARADI URBAN CO-OPERATIVE
CREDIT SOCIETY LTD.,
YAMAKANA MARADI, HATTARAGI,
TQ. HUKKERI DIST. BELAGAVI-591 243.
3. BASANNA S/O. ERAPPA KUDACHI,
AGE. 45 YEARS, OCC. AGRICULTURE,
R/O. HATTARAGI, TQ. HUKKERI,
DIST. BELAGAVI-591243.
4. SHANKARA S/O. ERANNA TAVAGE,
SINCE DECEASED REPRESENTED BY HIS LRS
- A. GANGAWWA W/O. SHANKAR TAVAGA,
AGE. 64 YEARS, OCC. HOUSEHOLD,
R/O. HATTARAGI, TQ. HUKKERI,
DIST. BELAGAVI-591243.
- B. KEMPANNA S/O. SHANKAR TAVAGA,
AGE. 42 YEARS, OCC. HOUSEHOLD,



R/O. HATTARAGI, TQ. HUKKERI,
DIST. BELAGAVI-591243.

C. SMT. SHOBA W/O. BALAPPA NAIK,
AGE. 44 YEARS, OCC. HOUSEHOLD,
R/O. BELAVI, TQ. HUKKERI,
DIST. BELAGAVI-591243.

D. NEELAWWA @ SHAILA W/O. KALLAPPA,
AGE. 40 YEARS, OCC. HOUSEHOLD,
R/O. BADGAON, TQ. GADHINGLAJ,
DIST. KOLHAPUR-416 502.

5. MANJUNATH S/O. RAMAPPA SANAKI,
AGE. 20 YEARS, OCC. AGRICULTURE,
R/O. KHANAPURA, TQ. HUKKERI,
DIST. BELAGAVI-591302.

...RESPONDENTS

(BY SRI. KIRTILATA R.PATIL, HCGP FOR R1;
SRI. PRASHANT F.GOUDAR, ADVOCATE FOR R2;
NOTICE TO R3 AND R4 (A TO C) ARE SERVED;
SRI. SHIVARAJA P.MUDHOL, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I. ISSUE A WRIT OR A DIRECTION OR AN APPROPRIATE ORDER IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED AWARD BEARING NO.JRL/B/DDS/106/03/04 DATED 28.06.2003 PASSED BY THE CO-OPERATIVE DEVELOPMENT OFFICER HUKKERI VIDE ANNEXURE-B TO THE WRIT PETITION. II. ISSUE A WRIT OR A DIRECTION OR AN APPROPRIATE ORDER IN THE NATURE OF CERTIORARI, SET ASIDE THE IMPUGNED ORDER PASSED BY THE KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.752/2009 DATED 09.04.2018 VIDE ANNEXURE-D TO THE WRIT PETITION. III. ISSUE A WRIT OR A DIRECTION OR AN APPROPRIATE ORDER IN THE NATURE OF CERTIORARI, QUASHING THE SALE DEED EXECUTED BY THE 2ND RESPONDENT IN FAVOR OF THE 5TH RESPONDENT DATED 17.02.2009 VIDE ANNEXURE-F TO THE WRIT PETITION AND ETC.,.



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

ORAL ORDER

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

Petitioners have filed this writ petition challenging the impugned award dated 28.06.2003 passed by the Co-operative Development Officer, Hukkeri vide Annexure-B, the order passed by the Karnataka Appellate Tribunal (KAT) in Appeal No.752 of 2009 dated 09.04.2018 vide Annexure-D, and also sought for quashing the registered sale deed executed by respondent No.2 in favour of respondent No.5 dated 17.02.2009 vide Annexure-F.

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

3. The petitioner had availed a loan of Rs.1,00,000/- from respondent No.2-Society, pledging his land bearing Survey No.105/2A, measuring 4 acres 28 guntas. The petitioner could not repay the said loan



amount, and became a defaulter. Respondent No.2-society raised a dispute under Section 70 of the Karnataka Co-operative Societies Act, 1959 (for short 'the Act of 1959') before respondent No.1-arbitrator. Respondent No.1-arbitrator allowed the dispute vide order dated 28.06.2003. The petitioner aggrieved by the award passed by respondent No.1-arbitrator, approached the KAT in Appeal No.752 of 2009. The KAT vide order dated 09.04.2018 dismissed the appeal filed by the petitioner, and confirmed the award passed by respondent No.1-arbitrator. The petitioner agreed by the award passed by respondent No.1-arbitrator, and order passed in the appeal by the KAT filed this writ petition.

4. Heard the arguments of the learned counsel for the petitioners, the learned counsel for respondent No.5, and the learned HCGP.

5. Learned counsel for the petitioners submits that respondent No.2-society has issued a letter stating that



there is no due in so far as petitioners are concerned, as per Annexure-J dated 30.04.2015. The said aspect was neither considered by respondent No.1 nor by the KAT. Both respondent No.1, and the KAT committed an error in passing the impugned orders. The impugned orders are arbitrary and erroneous. Hence, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for respondent No.5-purchaser submits that respondent No.2-society has initiated recovery proceedings against the petitioner before respondent No.1-arbitrator, and respondent No.1-arbitrator has passed an award. The petitioner did not comply with the award passed by respondent No.1-arbitrator. Respondent No.2-society initiated execution proceedings, and in the said execution proceedings, the mortgaged land was auctioned on 13.02.2009 and sale deed was executed on 17.02.2009 vide Annexure-F. He submits that respondent No.5 is in possession of the property in question. He submits that the writ petition is filed in 2022.



Thus, there is an inordinate delay in filing this writ petition. He submits that the petitioner has not shown sufficient cause for filing the writ petition at a belated stage. Hence, on these grounds, he prays to dismiss the writ petition.

7. Learned HCGP submitted that respondent No.1-arbitrator has provided sufficient opportunity to the petitioner to put forth his case, and despite granting sufficient opportunity, the petitioner has not availed the opportunity. Hence, respondent No.1-arbitrator was justified in passing an impugned award. Hence, on these grounds, she prays to dismiss the writ petition.

8. Perused the records and considered the submission of the learned counsel for the parties.

9. It is an undisputed fact that the petitioner had availed a loan from respondent No.2-society, and committed a default. Respondent No.2-society has raised a dispute under Section 70 of the Act of 1959 for recovery of the amount. Despite the service of notice, the petitioner did



not appear before respondent No.1-arbitrator. Respondent No.1-arbitrator, after recording the evidence of the officials of respondent No.2-society has passed an award on 28.06.2003. The petitioner aggrieved by the award passed by respondent No.1-arbitrator, preferred an appeal before the KAT in Appeal No.752 of 2009. The KAT dismissed the appeal filed by the petitioner vide order dated 09.04.2018. During the pendency of the appeal before the KAT, respondent No.2-society executed the award passed by respondent No.1-arbitrator, and auctioned the mortgage property wherein respondent No.5 was the successful bidder in the auction, and accordingly, a sale deed was executed on 17.02.2009 vide Annexure-F. Though the KAT dismissed the appeal vide order dated 09.04.2018, the writ petition was filed on 11.04.2022. There is a delay of more than 4 years in filing the writ petition. The petitioner has not explained the sufficient reasons for filing the writ petition at a belated stage.



10. The scope of interference under Article 227 is very limited, in view of the proposition of law laid down by the Hon'ble Apex Court in case of ***RADHEY SHAM AND ANOTHER VS CHABINATH AND OTHERS*** reported in ***AIR 2015 SC 3269***.

11. Respondent No.1-arbitrator and the KAT have considered the entire material on record, and have rightly passed the impugned orders. The petitioner has not denied regarding availing of loan from respondent No.2-society, and also not denied that the petitioner has committed a default in repaying the loan amount. The sale deed was executed in 2009, and the petitioner has not taken any steps to challenge the registered sale deed even in the appeal filed before the KAT. The petitioner has filed this writ petition challenging the registered sale deed in 2022. Even there is a delay of more than 12 years in challenging the registered sale deed executed in favour of respondent No.5.



12. In view of the above discussion, I do not find any error in the impugned orders. Accordingly, I proceed to pass the following:

ORDER

The writ petition is dismissed.

Pending applications, if any, shall stand disposed of.

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

MBS
CT: UMD
List No.: 1 Sl No.: 1