



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.104799 OF 2025 (CS-DAS)

BETWEEN:

1. TRIVENI EDUCATION SOCIETY,
MUDHOL-587313,
TQ. MUDHOL, DIST, BAGALKOTE,
REPRESENTED BY ITS SECRETARY,
SHRI. SHASHIR S/O. SHIVAKUMAR MALAGHAN,
AGE. 31 YEARS, OCC. BUSINESS,
R/O. WARD NO.5, COLLEGE ROAD,
MUDHOL-587313, TQ. MUDHOL, DIST. BAGALKOTE.
2. SHRI. SHASHIR S/O. SHIVAKUMAR MALAGHAN,
AGE. 66 YEARS, OCC. BUSINESS,
R/O. WARD NO.5 COLLEGE ROAD,
MUDHOL-587313, TQ. MUDHOL,
DIST. BAGALKOTE.

...PETITIONERS

(BY SRI. A.S. PATIL, ADVOCATE)

AND:

1. THE REGISTRAR OF
CO-OPERATIVE SOCIETIES,
NO.1, ALI ASKAR ROAD, BENGALURU-560052.
2. THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES,
NEAR NTTF, P.B. ROAD, DHARWAD-580001,
TQ AND DIST DHARWAD.
3. THE ASSISTANT REGISTRAR OF

VIJAYALAKSHMI
M KANKUPPI



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VIJAYALAKSHMI
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CO-OPERATIVE SOCIETIES,
DHARWAD-580001,
TQ AND DIST. DHARWAD.

4. SHRI. GAJANANA URBAN CO-OPERATIVE
CREDIT SOCIETY LIMITED,
M.G. MARKET, WALVEKAR STREET,
HUBBALLI-580020, TQ. HUBBALLI,
DIST. DHARWAD, REPRESENTED BY
ITS GENERAL MANAGER.
5. THE SALE OFFICER,
SHRI GAJANANA URBAN CO-OPERATIVE
CREDIT SOCIETY LIMITED,
M.G. MARKET, WALVEKAR STREET,
HUBBALLI-580020, TQ. HUBBALLI,
DIST. DHARWAD.
6. SHRI. DEEPAK S/O. HANAMANTGOUDA PATIL,
AGE. 49 YEARS, OCC. BUSINESS,
R/O. 4, ADIVESH SADAN, 36TH CROSS,
LINGARAJ NAGAR (SOUTH), HUBBALLI-580020,
TQ. HUBBALLI, DIST. DHARWAD.

...RESPONDENTS

(BY SMT. KIRTI LATA R. PATIL, HCGP FOR R1 TO R3;
SMT. JOSHNA P. DHANAVE, ADVOCATE FOR R5;
NOTICE TO R4 AND R6 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I. ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, TO QUASH THE IMPUGNED ATTACHMENT NOTICE DATED 11.07.2025 ISSUED BY THE RESPONDENT NO.5 IN NO.CEP 44/2019-20 AS PER ANNEXURE-N. II. ISSUE ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION WHICH DEEMS FIT TO GRANT BY THIS HON'BLE COURT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.



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

ORAL ORDER

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

1. The petitioners have filed this writ petition challenging the attachment notice dated 11.07.2025 issued by respondent No.5, vide Annexure-N.

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

The petitioner-Society availed a loan of Rs.2,25,00,000/- from the respondent No.4-society. The petitioner failed to repay the loan amount. Consequently, the society initiated recovery proceedings and raised a dispute under Section 70 of the Karnataka Co-operative Societies Act, 1959 (for short, 'the Act') before respondent No.3. The said dispute was allowed, and thereafter respondent No.4-society initiated execution proceedings.

3. In the execution proceedings, an attachment notice was issued by respondent No.5 on 11.07.2025.



Aggrieved by the said attachment notice, the petitioners have filed the present writ petition.

4. Heard the arguments of the learned counsel for the petitioners, and the learned counsel for the respondents.

5. Learned counsel for the petitioners submits that the petitioners are ready to pay the entire amount if the society considers its representation under a One-Time Settlement (OTS) scheme. Therefore, on these grounds, he prays to allow the writ petition.

6. *Per contra*, learned counsel for the respondents submits that sufficient opportunities were granted to the petitioners to repay the loan amount. It is submitted that the society advances loans to needy persons and must recover the same; otherwise, its functioning will come to a standstill. It is further submitted that public money is involved and that the petitioners have not acted bona fide in seeking OTS benefits. Hence, on these grounds, he prays for dismissal of 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 availed a loan from the society and committed default in repayment. The society initiated proceedings under Section 70 of the Act, and the dispute was allowed by respondent No.3. The award passed therein has attained finality. Thereafter, the society initiated execution proceedings for recovery of the amount.

9. In execution proceedings, respondent No.5 has issued the impugned attachment notice dated 11.07.2025 attaching the properties of the petitioners. The petitioners cannot challenge the impugned attachment notice without challenging the award passed by respondent No.3.

10. It is also relevant to note that this Court, by interim order dated 18.07.2025, stayed the execution and operation of the impugned notice subject to the petitioners depositing 50% of the balance amount within four weeks and the remaining 50% within six weeks thereafter, despite this, the petitioners have not complied with the said interim



order. The petitioners have no intention to pay the loan amount. The Writ petition is filed only with an intention to cheat the decree holder in the recovery proceedings. The petitioners have not approached the court with clean hands. The petitioners do not deserve any sympathy at the hand of this Court.

11. In view of the above, the petitioners are not entitled to any relief, and no grounds are made out to entertain the writ petition. Accordingly, the following:

ORDER

- i. The writ petition is ***dismissed***.
- ii. Pending application if any shall stand disposed of.

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

AC
CT: UMD
List No.: 1 Sl No.: 58