



NC: 2026:KHC-D:4533
WP No. 104908 of 2025
C/W WP No. 104678 of 2025
WP No. 104903 of 2025
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO. 104908 OF 2025 (CS-RES)

C/W

WRIT PETITION NO. 104678 OF 2025 (CS-RES)

WRIT PETITION NO. 104903 OF 2025 (CS-RES)

WRIT PETITION NO. 104904 OF 2025 (CS-RES)

IN WP NO.104908/2025

BETWEEN:

1. SHRI. SHASHANK SHANTARAM HEGDE
AGE: 44 YEARS, OCC: ADVOCATE,
R/O: SHIGEHALI, POST: KALAVE, SIRSI,
UTTARA KANNADA - 581402.
2. SHRI. ANNAPPA GOVINDAGOUDA HULUKUTRI,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O: SOVINAKOPPA, SIDDAPUR,
UTTARA KANNADA - 581322.
3. SHRI. RAMAKRISHNA TIMMAPPA HEGDE,
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O: ALAGODA, GUNJAGUDA POST, SIDDAPUR,
UTTARA KANNADA - 581355.
4. SHRI. SEETARAM MANJUNATH HEGDE,
AGE: 69 YEARS, OCC: AGRICULTURE,
R/O: NIRNALLI, ITGULI POST, SIRSI,
UTTARA KANNADA - 581336.
5. SHRI. NARAYAN IRA NAIK,
AGE: 69 YEARS, OCC: AGRICULTUR,
R/O: MENASI, POST: MENASI, SIRSI,
UTTARA KANNADA - 581336.

VIJAYALAKSHMI
M KANKUPPI



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6. SMT. MAHALAXMI DIVASPATHI HEGDE,
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O: LINGADAKONA, POST: NELEKANI, SIRSI,
UTTRA KANNADA - 581403.
7. SHRI. BALACHANDRA PRABHAKAR HEGDE,
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O: KODAMODA, POST: HALLIBAILA, SIDDAPUR,
UTTARA KANNADA - 581331.
8. SHRI. SUBRAY VENKATRAMAN HEGDE,
AGE: 71 YEARS, OCC: AGRICULTURE,
R/O: SALKANI, POST: SALKANI, SIRSI,
UTTARA KANNADA - 581402.
9. SHRI. CHANDRASHEKAR NARAYAN HEGDE,
AGE: 71 YEARS, OCC: AGRICULTURE,
R/O: HUDLAMANE, POST: KALAVE, SIRSI,
UTTARA KANNADA - 581402.
10. SMT. SHARADA ANNAPPA HEGDE,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O: SIRSIMAKKI, POST: YADAHALLI, SIRSI,
UTTARA KANNADA -
11. SHRI. KRISHNA MAHABALESHWAR HEGDE,
AGE: 73 YEARS, OCC: AGRICULTURE,
R/O: HEEPANALLI, POST: HEEPANALLI, SIRSI,
UTTARA KANNADA - 581401.
12. SHRI. NARASHIMHA TIMMAPP A BHAT,
AGE: 67 YEARS, OCC: AGRICULTURE,
R/O: GUNTKAL, POST: CHANDGULI, YELLAPUR,
UTTARA KANNADA - 581359.
13. SHRI. GANAPATHI SHESHGIRI RAYSAD,
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O: KALSALLI, POST: KORLAKATTA, SIRSI,
UTTARA KANNADA - 581318.

...PETITIONERS

(BY SRI. SHREEVATSA S.HEGDE, ADVOCATE)



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AND:

1. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, 6TH FLOOR,
BENGALURU-560001.

2. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
SARASWATI SADANA, 2ND FLOOR, HABBWADA,
KARWAR-581306.

3. THE TOTAGAR'S CO-OPERATIVE SALE SOCIETY LTD.,
SIRSI, UTTAR-KANNADA 581401
REP. BY THE GENERAL MANAGER (IN-CHARGE).

...RESPONDENTS

(BY SMT. KIRTELATA R.PATIL, HCGP FOR R1 AND R2;
SRI. A.P. HEGDE JANMANE, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A. ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 10-01-2025 BEARING NO.DRN/AUDIT/CR-31/2024-25 PASSED BY THE (IN-CHARGE) 2ND RESPONDENT VIDE ANNEXURE-A AND THE NOTICE ISSUED BY 2ND RESPONDENT SOCIETY U/SECTION 70 OF KCS ACT DATED 17-04-2025 BEARING NO.DRN/F/DDS/1595/2024-25 VIDE ANNEXURE-D2 WITHOUT PREJUDICE TO THE SUBSTANTIVE AND PROCEDURAL RIGHTS OF THE PETITIONER TO CHALLENGE ANY REPORT OF ENQUIRY INCLUDING THE ONE UNDER U/S. 63 (12) OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT OR PROCEEDINGS INITIATED BASED UPON THE SAME OR OTHERWISE ADVERSELY AFFECTING THEIR INTEREST.

IN WP NO.104678/2025

BETWEEN:

1. SMT. VISHALA W/O. ANILKUMAR MUSTAGI,
AGE. 55 YEARS, OCC. HOUSEHOLD,
R/O. DEVANILAYA, POST. CHIPAGI,
TQ. SIRSI, DIST. UTTARA KANNADA-581402.



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2. SHRI. ANILKUMAR S/O. SIDDAPPA MUSTAGI,
AGE. 65 YEARS, OCC. HOUSEHOLD,
R/O. DEVANILAYA, POST. CHIPAGI,
TQ. SIRSI, DIST. UTTARA KANNADA-581402.

...PETITIONERS

(BY SRI. GIRISH A.YADAWAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, 6TH FLOOR,
BENGALURU-560001.
2. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
SARASWATI SADANA, 2ND FLOOR, HABBWADA,
KARAWAR-581306.
3. THE TOTAGAR'S OF CO-OPERATIVE SALE SOCIETY LTD.,
SIRSI UTTAR KANNADA-581401,
REP. BY THE GENERAL MANAGER (IN-CHARGE)

...RESPONDENTS

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IN WP NO.104903/2025
BETWEEN:

1. SHRI. RAVEESH ACHUT HEGDE HALASANNI,
AGE. 59 YEARS, OCC. BUSINESS,
R/O. #129/2, APMC RING ROAD,
NAMAZGUDDA, SIRSI-581401.

...PETITIONER

(BY SRI. JOSHI SHRIPRASAD JAYATEERTH, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, 6TH FLOOR,
BENGALURU-560001.
2. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
SARASWATI SADANA, 2ND FLOOR, HABBWADA,
KARWAR-581306.
3. THE TOTAGAR'S CO-OPERATIVE SALE SOCIETY LTD.,
SIRSI, UTTAR KANNADA-581401,
REP. BY THE GENERAL MANAGER,
(IN-CHARGE).

...RESPONDENTS

(BY SMT. KIRTELATA R.PATIL, HCGP FOR R1 AND R2;
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REPORT OF ENQUIRY INCLUDING THE ONE UNDER U/S. 63 (12) OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT OR PROCEEDINGS INITIATED BASED UPON THE SAME OR OTHERWISE ADVERSELY AFFECTING THEIR INTEREST.

IN WP NO.104904/2025
BETWEEN:

SHRI. RAMAKRISHNA SHRIPAD HEGDE, KADAVE,
AGE. 71 YEARS, OCC. AGRICULTURE AND SERVICE,
R/O. AGASAL BOMMANHALLI, SIRSI-581402.

...PETITIONER

(BY SRI. SOURABH HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, 6TH FLOOR,
BENGALURU-560001.
2. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
SARASWATI SADANA 2ND FLOOR, HABBUWADA,
KARWAR-581306.
3. THE TOTAGAR'S CO-OPERATIVE SALE SOCIETY LTD.,
SIRSI, UTTAR-KANNADA-581401,
REP. BY THE GENERAL MANAGER, (IN CHARGE).

...RESPONDENTS

(BY SMT. KIRTI LATA R.PATIL, HCGP FOR R1 AND R2;
SRI. A.P. HEGDE JANMANE, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 10-01-2025 BEARING NO.DRN/AUDIT/CR-31/2024-25 PASSED BY THE (IN-CHARGE) 2ND RESPONDENT VIDE ANNEXURE-A AND THE NOTICE ISSUED BY 2ND RESPONDENT SOCIETY U/SECTION 70 OF KCS ACT DATED 17-04-2025 BEARING NO.DRN/F/DDS/1595/2024-25 VIDE ANNEXURE-D2 WITHOUT PREJUDICE TO THE



SUBSTANTIVE AND PROCEDURAL RIGHTS OF THE PETITIONER TO CHALLENGE ANY REPORT OF ENQUIRY INCLUDING THE ONE UNDER U/S. 63 (12) OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT OR PROCEEDINGS INITIATED BASED UPON THE SAME OR OTHERWISE ADVERSELY AFFECTING THEIR INTEREST.

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

ORAL ORDER

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

1. The petitioners in all these writ petitions have challenged the order dated 10.01.2025 passed by the in-charge respondent No.2, produced at Annexure-A.

2. Brief facts, leading rise to the filing of these petitions are as follows:

3. The petitioners were Ex-Directors of respondent No.3-Society. It is contended that the respondent No.3-Society reigns were recently assumed by a new board of Directors who had a vendetta as part of their agenda, and with the claims of misappropriation in the Society, makes an allegation of the said misappropriation on the Ex-Directors. Based on such allegation, an enquiry was conducted under Section 63(12) of the Karnataka Co-Operative Societies Act, 1959 (hereinafter referred to as 'the KCS Act'). The Society labelled the said enquiry as a re-audit. The enquiry report was allegedly sent to



the respondent No.2 for passing an order of fixation of liability under Section 68 of the KCS Act.

4. It is further contended that the respondent No.2 was an administration of interim an in-charge officer, as the said post was vacant after the previous person, who was holding the said post was suspended by imposing a disciplinary action. The in-charge respondent No.2 has passed an impugned order. It is contended that the order passed by the in-charge respondent No.2 is without jurisdiction. Accordingly, on these grounds, the petitioners seek to allow the writ petitions.

5. The petitioners in all three petitions have challenged the same impugned orders dated 10.01.2025.

6. Respondent No.3 has filed a statement of objections denying the averments made in the writ petitions. It is contended that the writ petitions are not maintainable, as the petitioners have an efficacious alternative remedy under Section 106(1)(h) of the KCS Act. It is further contended that the in-charge Registrar, i.e., respondent No.2, is competent to pass the impugned order and that the same is in accordance with the provisions of the KCS Act. Hence, on these grounds, respondent No.3 prays for the dismissal of the writ petitions.



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7. Heard the arguments of the learned counsel for the petitioners, and the learned counsel for respondent No.3-Society.

8. Learned counsel for the petitioners submits that the impugned orders have been passed by the in-charge Registrar, who has no authority to pass such orders. He submits that the impugned orders passed by respondent No.2, in his capacity as an in-charge officer, are without jurisdiction. To buttress his arguments, he has placed reliance on the order passed by the Division Bench in the case of **Prakash Ramachandra Hegde vs the Registrar of Co-operative Societies and others¹**, wherein it is held that a person holding a post only an in-charge capacity cannot exercise the statutory powers attached to the said post, in light of the law laid down by the Hon'ble Apex Court in **Ramakant Shripad Sinai Advalpalkar v. Union of India²**. Hence, on these grounds he prays to allow the writ petition.

9. *Per contra*, learned counsel for the respondent No.3-Society submits that the passing of an order

¹ Writ Appeal No.100008/2025 c/w Writ Appeal No.100009/2025 dated 29.04.2025

² AIR 1991 SC 1145



under Section 68 of the KCS Act is a ministerial Act. Therefore, the contention that the impugned order passed by the in-charge Registrar is without jurisdiction is untenable. He also submits that there is no necessity to provide an opportunity of personal hearing, as Section 68 of the KCS Act does not contemplate the providing of a personal hearing. Accordingly he submits that the impugned order passed by respondent No.2, even in his capacity as an in-charge officer, is in accordance with law. Hence, on these grounds, he prays to dismiss the writ petitions.

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

11. It is an undisputed fact that an enquiry was conducted under Section 63 of the KCS Act against the petitioners, and a report was submitted. Based on the said report, respondent No.2, in his capacity as an in-charge officer, has passed the impugned order.

12. Admittedly, the impugned order dated 10.01.2025 has been passed by the in-charge Registrar. The Division Bench of this Court had an occasion to consider a similar issue in the



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case of ***Prakash Ramachandra Hegde*** (*supra*) wherein it has framed the following point for consideration:

"(i) Whether the respondent No.2, who is in the cadre of Assistant Registrar of Co-Operative Societies(ARCS) being placed as an in-charge of Deputy Registrar of Co-Operative Societies (DRCS), can exercise statutory powers of an Appellate Authority provided under Section 106(1)(d-2) of the KCS Act, 1959 ?."

13. The said point for consideration was answered by holding that an officer who is merely holding a post in an "in-charge" capacity is not competent to exercise statutory powers attached to the said post, in the light of the proposition of law laid down by the Hon'ble Apex Court in case of ***Ramakant Shripad Sinai Advalpalkar*** (*supra*). It was held that an in-charge officer cannot exercise statutory powers in the absence of a substantive appointment.

14. In view of the same, the impugned order passed by respondent No.2, in his capacity as an in-charge Registrar, is without jurisdiction. Hence, on this ground alone, the impugned orders are liable to be set aside.



15. In view of the above discussion, the following order is passed:

ORDER

- (i) The writ petitions are allowed.
- (ii) The impugned orders dated 10.01.2025 vide Annexure-A passed by respondent No.2 are hereby quashed.
- (iii) Respondent No.2 is directed to pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of the order.
- (iv) All pending applications, if any, stand disposed of accordingly.

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