

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3355 OF 2010

KARNATAKA VOGGALIGARA SANGHA

...APPELLANT(S)

VERSUS

THE REVENUE SECRETARY (II) & ORS.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 3356 OF 2010

DR. K. MAHADEV & ORS.

...APPELLANT(S)

VERSUS

THE REVENUE SECRETARY (II) & ORS.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 3357 OF 2010

R. NANJUNDE GOWDA AND ORS.

...APPELLANT(S)

VERSUS

THE REVENUE SECRETARY (II) & ORS.

...RESPONDENT(S)

Signature Not Verified

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Madhu Bala
Date: 2014.09.01
17:13:35 IST
Reason:

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O R D E R

CIVIL APPEAL NOS. 3355 OF 2010 & 3356 OF 2010

Learned counsels for the appellants are not
pressing these appeals any further. Consequently, the

appeals are dismissed as not pressed.

CIVIL APPEAL NO. 3357 OF 2010

This appeal has been heard at the instance of the Second Appellant. The other two appellants have expressed their reluctance to proceed with the matter.

The appeal arises in the following facts:

By notice dated 30.01.2002 a Special General Body Meeting of the Karnataka Vokkaligara Sangha was convened on 3rd March, 2002 at 2.00 p.m. to consider inter alia an amendment of Bye-law 7(3)(a) so as to extend the term of the elected members from three to five years.

There is a

dispute between the parties as to whether the meeting was held at all and if so whether it was validly held. Be that

it may, a Resolution was passed amending bye-law 7(3)(a)

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and also bye-law 7(3)(aa) by which the requirement of majority votes for removal of officers of the Sangha was altered to the requirement of a two-third majority. The statutory approval of the District Registrar was granted upon satisfaction that the meeting was validly held and the resolutions were duly passed. The said order of the District Registrar was challenged before the High Court of Karnataka in a Writ Proceeding registered as W.P. No. 9480 of 2003. The said writ petition was disposed of by an order dated 26.03.2003 by which the matter was remanded to the District Registrar for re-consideration/fresh consideration of the requirement of approval. Thereafter, it appears that the District Registrar by an elaborate and reasoned order dated 11.06.2003 approved the resolutions amending the bye-laws. The said decision of the District Registrar was challenged before the High Court by the present appellant by instituting W.P.No.48470 of 2003. The learned Single

Judge of the High Court by judgment dated 16.09.2006 dismissed the writ petition. While doing so, the learned Single Judge took note of the grievances expressed by the writ petitioners/appellants and eventually held that the approval of the District Registrar was granted after

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affording sufficient opportunity to both sides as directed in the remand order of the High Court. Further, the learned Single Judge held that the decision of the Registrar that there was sufficient compliance of Section 10 of the Karnataka Societies Registration Act, 1960 was correct.

Aggrieved, the writ petitioners instituted Writ Appeal No. 1897 of 2006 which was disposed of by the impugned order dated 7th December, 2006. The Division Bench of the High Court took note of the fact that insofar as amendment of bye-law 7(3)(aa) is concerned, the proposed amendment was not included in the agenda of the Special Meeting and therefore, the resolution amending the said bye-law was non est. However, insofar as the resolution approving the amendment of bye-law 7(3)(a) is concerned, the decision of the learned Single Judge stood affirmed by rejection of all contentions made on behalf of the appellants. Aggrieved, this appeal has been filed.

We have heard learned counsels for the parties.

Before us, it has been contended by Ms. Kiran Suri, learned senior counsel appearing for the appellant that the meeting dated 03.03.2002 was not validly held; in fact it

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was not held at all. Learned counsel has also urged that the District Registrar was appointed as an observer in the said meeting and, therefore, he ought not to have approved the resolution allegedly taken in the meeting in his capacity as the District Registrar. Learned counsel has

also contended that the requirement of Section 10 of the Karnataka Societies Registration Act, 1960 had not been satisfied in the present case and the findings of the District Registrar to the contrary are not acceptable.

Learned counsel appearing on behalf of the Respondent No.1 has countered the arguments by pointing out the order of the District Registrar as well as the learned Single Judge of the High Court, besides the order of the Division Bench passed in the Writ Appeal to contend that all objections raised on behalf of the appellants had been elaborately considered at all stages and appropriate findings have been recorded which will not call for any interference.

Having considered the contentions advanced on behalf of the rival parties and having read the order of the District Registrar dated 11.06.2003 as well as the impugned order of the High Court dated 07.12.2006, we are

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of the view that the contention with regard to holding of the meeting need not detain the Court any further. After noticing the findings of the District Registrar and the two Benches of the High Court, we do not consider it appropriate or necessary to re-open the said question. Insofar as the participation of the District Registrar as an observer in the meeting and thereafter his action in approving the resolution adopted in the said meeting is concerned, we have noticed that the said plea though urged before the Division Bench was subsequently abandoned. In view of the above, we cannot permit the appellant to raise the said issue once over again. In any event, what must be noticed is the fact that the appellants had appeared in the proceedings before the District Registrar and it is after hearing them that the approval was granted by the Registrar.

Regarding the alleged non-compliance of the provisions of Section 10 of the Act is concerned, we have noticed that in the order of the District Registrar dated 11.06.2003 as well as in the impugned order of the High Court dated 07.12.2006, it has been categorically recorded that over 1000 votes were cast in favour of the amendment

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of the bye-laws and it is only a handful of disgruntled members who opposed the same. There is also a finding with regard to the requirement of 21 days' notice under Section 10 of the Act which question, in any case, had not been agitated before us.

In view of the above discussion, we do not find any merit in this appeal. The appeal is, consequently, dismissed. No orders as to cost.

.....J
[RANJAN GOGOI]

NEW DELHI
28TH AUGUST, 2014

.....J.
[R.K. AGRAWAL]

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ITEM NO.106 COURT NO.11 SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3355/2010

KARNATAKA VOGGALIGARA SANGHA Appellant(s)

VERSUS

REVENUE SECRETARY (II) & ORS. Respondent(s)
(With appln. (s) for impleadment as party respondent and vacating interim order and impleadment and directions and production of additional documents)

WITH
C.A. No. 3356/2010
(With appln.(s) for directions and Office Report)

C.A. No. 3357/2010
(With appln.(s) for production of additional documents and appln.
(s) for directions and appln.(s) for impleadment and Office Report)

Date : 28/08/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s)	Mr. P.N. Misra, Sr. Adv.
In C.A. 3355 &	Ms. Jennifer John, Adv.
C.A. 3357/10	Mr. E. C. Vidya Sagar, Adv.
In C.A. No. 3357/10 &	Ms. Kiran Suri, Sr. Adv.
Respts. In C.A.	Mr. S.J. Amith, Adv.
Nos. 3356, 3355/10	Mr. Purvesh Buttan, Adv.
	Dr. (Mrs.) Vipin Gupta, Adv.
In C.A. No. 3356/10	Ms. Kheyali Sarkar, Adv.
	Mr. Irshad Ahmad, Adv.
For Respondent(s)	Mr. Parikshit P. Angadi, Adv.
	Mr. V.N. Raghupathy, Adv.
	Mr. Sanjay R. Hegde, Adv.
	Mr. S. N. Bhat, Adv.
	Mr. T. V. Ratnam, Adv.

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Dr. Sushil Balwada, Adv.

UPON hearing the counsel the Court made the following
O R D E R

CIVIL APPEAL NOS. 3355 OF 2010 & 3356 OF 2010

Learned counsels for the appellants are not pressing these appeals any further. Consequently, the appeals are dismissed as not pressed.

CIVIL APPEAL NO. 3357 OF 2010

I. As are allowed.

The appeal is dismissed in terms of the signed order.

(MADHU BALA)
COURT MASTER
(Signed order is placed on the file)

(ASHA SONI)
COURT MASTER