

High Court of Karnataka- Principal Bench at Bengaluru

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Daily Status

Principal Bench at Bengaluru

In The Court Of : OTHERS

Case Number : WP/0020919/2025

THE KANNADA SAHITYA PARISHATTU **Versus** THE SECRETARY

Date : 25-07-2025

Business

: Petitioner has called in question the validity of the order dated 27.06.2025 at Annexure-A issued by the 3rd respondent as being illegal. Annexure-A is the direction by the 3rd respondent to the petitioner - Society cancelling the Annual General Body Meeting scheduled on 29.06.2025, on the ground that the venue is not suitable, with a further direction to hold the meeting at a place which is convenient and has all facilities. 2. Petitioner has also challenged the order at Annexure-B, dated 30.06.2025 passed by the 3rd respondent in exercise of power under Section 25 of the Karnataka Societies Registration Act, 1960 (for short 'the Act'), instituting an enquiry into the affairs of the petitioner - society regarding the aspects detailed in the order. Certain other reliefs have also been sought for. 3. The interim prayer sought is for an order staying the operation and execution of the order at Annexure-B and all further proceedings pursuant thereto. 4. Sri. Aruna Shyam, learned Senior Counsel appearing on behalf of petitioners has assailed the validity of the order at Annexure-A as being one without jurisdiction while contending that the bye-laws of the Petitioner - Society at Clause-30 sub-clause (5) which provides for holding of the Annual General Body Meeting either at Bangalore or at any other place in Karnataka as may be decided at the discretion of the Executive Committee. 5. As regards the validity of the order at Annexure-B, it is contended that the decision to order an enquiry suo motu can be done only on due application of mind and that the queries regarding accounts could be answered only after the audited accounts are approved in the General Body Meeting. It was submitted specifically that the respondent - Authority has hurriedly resorted to initiating an enquiry. 6. Sri. Shashi Kiran Shetty, learned Advocate General appearing on behalf of the State would contend that despite opportunities being granted, by virtue of notices at Annexures-J, J1 and J2, the petitioner had been avoiding to respond to the complaints by merely stating that response would be made after placing the complaints for deliberation before the Executive Committee Meeting as is evidenced by the response at Annexures-K and K1. 7. Insofar as the decision to hold enquiry in terms of the power vested under Section 25 of the Act, such power is statutorily conferred. The power is conferred on the Registrar who 'may on his own motion' decide to hold enquiry. Rule 8 of the Karnataka Societies Registration Rules, 1961 is as regards the procedure to be followed where the Registrar proposes to hold an enquiry. The Registrar is vested with discretion in exercise of power under Section 25 of the Act. Insofar as action 'on his own motion' it could be termed as suo motu exercise of power. 8. It is to be noticed that the Registrar in the present case has issued notices to the petitioner - Society at Annexure-J dated 25.04.2025 seeking response to the complaint of one N. Hanumegowda. A further notice is issued at Annexure-J1 dated 12.05.2025 reiterating response to be made to the earlier complaint as well as response to other complaints. Communication at Annexure-J1 reveals that the petitioner had not submitted reply despite the direction to submit reply at Annexure-J. Annexure-J2 dated 10.06.2025 is also another notice issued seeking for a response. While Annexure-K dated 20.05.2025 is a reply by the petitioner seeking for time to discuss in the executive committee and make a response. Annexure-K1 dated 18.06.2025 is another response reiterating the earlier stand and that the executive committee was scheduled to meet on 29.06.2025 and then response would be made. 9. The material on record would indicate that the decision to exercise suo motu power was taken only on 30.06.2025 after the responses of the petitioner at Annexures-K and K1. The order at Annexure-B refers to the responses of the petitioner. It is in the context of such material on record that the decision taken must be looked into. The Registrar clearly states that the exercise of power is suo motu in the order dated 30.06.2025. It is also stated that he is of the opinion that it is appropriate to hold an enquiry and has delineated 17 points for enquiry. The file was also placed before the Court maintained by respondent - Authority as regards the proposed enquiry under Section 25 of the Act. The file notings also reflect prima facie application of mind. 10. Accordingly, no grounds are made out at this stage to stay the order at Annexure-B. Though various judgments are cited by both sides regarding manner of satisfaction of the Registrar, it may not be necessary at this stage to advert to the authorities as the decisions merely reiterate the legal position regarding application of mind while exercising suo motu power. Needless to state such exercise of discretion as vested in Section 25 of the Act, is a matter to be decided in the facts of the present case in the context of material placed. 11. Insofar as the aspect relating to venue of Annual General Body Meeting, both sides have touched upon such issue during the course of arguments. Insofar as the direction at Annexure-A dated 27.06.2025 to hold Annual General Body Meeting at another place than as was envisaged has resulted in the venue for the Annual General Body Meeting

having been cancelled. As rightly pointed out by the learned counsel for petitioner, in terms of the bye-law of the petitioner - Society at Clause 30(5), power is vested with the authority to hold the meeting at Bangalore or at any place in the State of Karnataka as may be decided in the discretion of the Executive Committee. 12. It may be appropriate at this stage to clarify that the petitioner - Society would be entitled to hold their Annual General Body Meeting in terms of their bye-law while observing that other issues which are concerns expressed by its members, may be taken note of appropriately as far as practicable in the discretion of the petitioner - Society. 13. The enquiry proceedings would be subject to orders to be passed by this Court. 14. Objections to be filed by the respondents. Original proceedings file is returned subject to same being submitted at the hearing of the matter. 15. Needless to state the observations made herein are not to be taken to be conclusive findings and are made in the context of consideration of interim prayer. 16. List this matter week after next.

Short Order:
5**Reason for Adjournment**

: ADJOURNED

Next Purpose

: FRESH MATTER AT 2.30 PM

Honorable Judge