



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 4014 OF 2026 (GM-KSR)

BETWEEN:

CITY FAMILIES ASSOCIATION (REGD)
R.K TOWERS, WEST OF CHORD ROAD,
NO.475/476/477, 3RD FLOOR,
2ND STAGE, 6TH PHASE,
BASAVESHWARANAGAR,
BANGALORE - 560 079,
REPRESENTED BY ITS SECRETARY
SMT. SUMANGALA H.M,
W/O H.M. KEDARSWAMY,
AGED ABOUT 65 YEARS,
(REGISTERED UNDER KARNATAKA SOCIETIES
REGISTRATION ACT, 1960)

...PETITIONER

(BY SRI. DEVIPRASAD SHETTY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF COOPERATION
M.S.BUILDING,
BANGALORE - 560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY.
2. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES
4TH CIRCLE MARGOSA ROAD,
SAHAKARA SOUDHA,
MALLESHWARAM,
BANGALORE - 560 003.
3. LALITHA PRAKASH
EX- PRESIDENT
W/O JAYAPRAKASH
AGE- 67 YEARS





NO. 52, 3RD STAGE, 2ND BLOCK,
3RD S CROSS, BASAVESHWARANAGAR,
BANGALORE - 560 079.

...RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA FOR R1 AND R2;
SRI. SANTOSH S. NAGARALE, ADVOCATE FOR R3;
SRI. B. KESHAVA MURTHY, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED ON 30.01.2026 IN NO. DRB-1/SAM. SAM/DU.A/91/2025-26 BY THE R2 IS HEREWITH PRODUCED AS ANNEX-H AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 - a. *To issue writ in the nature of certiorari quashing the order passed on 30/01/2026 in No. DRB-1/SAM.SAM/DU.A/91/2025-26 by the respondent no.2 is herewith produced as **Annexure H.***
 - b. *Grant such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice and equity."*
2. The petitioner-Society claims that it is registered under the Karnataka Societies Registration Act, 1960 (hereinafter referred to as "**KSR Act, 1960**") and is represented by its Secretary.



3. It is contended that elections to the Managing Committee was held on 26.02.2022 when 11 Directors were elected for a term of five years. Though the tenure of the Managing Committee is five years, the tenure of the office-bearers, namely the President, Secretary and Treasurer, in terms of Rule 20(d), is only two years from the date of their election. Consequently, their term of office came to an end on 25.02.2024.
4. Notwithstanding the expiry of her tenure, respondent No.3 continued to function as the President. It is in that background that a meeting of the Managing Committee was convened on 08.11.2025, wherein respondent No.3 was removed from the office of President, and another member was elected in her place. The petitioner informed the Deputy Registrar of Co-operative Societies about the proceedings of the meeting held on 08.11.2025.
5. Alleging that respondent No.3, along with her supporters, was seeking to convene a further meeting and continue to function as President and/or manage the affairs of the Society. Respondent No.3 submitted a complaint dated 10.11.2025 before the Deputy Registrar making certain allegations. Subsequently, respondent No.3 and her supporters



sought to convene a meeting. It is in that background that the petitioner instituted O.S.No.8957/2025 seeking, inter alia, an injunction restraining the holding of the Special General Body Meeting scheduled for 21.12.2025, as also an injunction restraining the removal of members of the Committee and the implementation of any resolution that might be passed at the said meeting.

6. Despite the institution of the suit, respondent No.3 and her supporters proceeded to hold the meeting, according to the petitioner, and thereafter forwarded the minutes of the said meeting to the Deputy Registrar.
7. It is stated that, in the said meeting, an *Ad hoc* Committee was constituted. The said Committee sought permission to conduct elections to the Society. By the impugned order, the Deputy Registrar accepted the constitution of the *Ad hoc* Committee and further directed that elections be conducted. It is this order that is under challenge in the present proceedings.
8. A Coordinate Bench of this Court, by order dated 11.02.2026, while noticing that a civil suit concerning the subject matter was pending, *prima facie* observed that the Deputy Registrar could not have



assumed jurisdiction under Section 25 of the Karnataka Societies Registration Act, 1960, when the Civil Court was already seized of the dispute. Accordingly, the Coordinate Bench stayed the operation of the impugned order. Pursuant to the issuance of notice, the respondents have entered appearance.

9. The submission of Sri.Deviprasad Shetty, learned Senior counsel for the petitioner, remains the same as earlier and submits that;

9.1. Learned counsel for the petitioner submits that the elections to the Managing Committee were held on 26.02.2022 and the Committee so elected continues to hold office for a period of five years. However, insofar as the office-bearers of the Society are concerned, Rule 20(d) specifically prescribes a tenure of only two years from the date of their election. Thus, according to him, the tenure of respondent No.3 as President came to an end on 25.02.2024. He contends that upon the expiry of the said tenure, respondent No.3 could not have continued to function as President or exercise any powers attached to that office. It is his submission that the continuance of



respondent No.3 as President beyond the prescribed period was contrary to the Rules governing the Society and lacked legal sanction.

9.2. Learned counsel further submits that, in view of the expiry of the tenure of respondent No.3 as President, the Managing Committee was justified in taking corrective measures to ensure that the affairs of the Society were administered in accordance with its Rules and Bye-laws. It is in that background that the Managing Committee convened its meeting on 08.11.2025 and resolved to remove respondent No.3 from the office of President and appoint another member in her place. According to him, the said decision was taken by the duly elected Managing Committee in exercise of its powers and was intended to restore compliance with the governing Rules of the Society. Therefore, he contends that the proceedings of the meeting dated 08.11.2025 cannot be termed illegal or without authority.

9.3. Learned counsel submits that the disputes arising out of the rival claims of the parties regarding the management of the Society, the



validity of the proceedings dated 08.11.2025, the authority of respondent No.3 to continue as President, the legality of the subsequent meetings allegedly convened by respondent No.3 and her supporters, and the consequential resolutions passed therein, are all matters which are directly and substantially in issue in O.S.No.8957/2025. The Civil Court having been approached by the parties and having been called upon to adjudicate these questions, it is the Civil Court alone that is competent to examine the rival contentions and render findings on the disputed questions of fact and law arising therefrom.

- 9.4. Elaborating his submissions, learned counsel contends that the dispute between the parties is essentially an inter se dispute concerning the internal administration and management of the Society. Such disputes, according to him, necessarily require examination of the Society's Rules and Bye-laws, the validity of the meetings convened by the rival factions, the legality of the resolutions passed therein, and the authority of the persons claiming to represent the Society. These are matters requiring appreciation of evidence and



adjudication of disputed facts, which properly fall within the jurisdiction of the Civil Court and not within the limited statutory jurisdiction conferred upon the Deputy Registrar under the Karnataka Societies Registration Act, 1960.

- 9.5. Learned counsel further submits that once the Civil Court was seized of the matter and the issues concerning the management and administration of the Society had become the subject matter of judicial proceedings, the Deputy Registrar ought to have refrained from passing any order that would have the effect of prejudging or virtually deciding the very disputes pending before the Civil Court. According to him, by recognising the Ad hoc Committee and directing the conduct of elections, the Deputy Registrar has effectively determined questions that are yet to be adjudicated by the Civil Court, thereby rendering the pending suit largely academic.
- 9.6. It is his submission that Section 25 of the Karnataka Societies Registration Act, 1960 does not confer upon the Deputy Registrar the power to adjudicate disputes relating to rival claims to management, the validity of resolutions, or the



entitlement of particular individuals to hold office in the Society. The power under Section 25, according to him, is administrative and supervisory in nature and cannot be expanded so as to authorise the Deputy Registrar to assume the role of an adjudicatory authority in respect of disputes that are otherwise triable by a competent Civil Court.

9.7. Learned counsel therefore contends that the impugned order suffers from a patent lack of jurisdiction. He submits that the Deputy Registrar, while exercising powers under Section 25 of the Act, has travelled beyond the scope of the statutory provision and entered into an arena reserved for adjudication by the Civil Court. Consequently, the impugned order is liable to be set aside on the ground of jurisdictional error alone.

9.8. On the aforesaid grounds, learned counsel submits that the writ petition deserves to be allowed, the impugned order passed by the Deputy Registrar requires to be quashed, and all questions relating to the rights of the parties and the management of the Society ought to be left open for adjudication in O.S.No.8957/2025



and such other proceedings as may be available in law.

10. Sri.Santosh S. Nagarale, learned counsel appearing for respondent No.3, vehemently opposed the writ petition and advanced the following submissions:

10.1. Learned counsel submits that the petitioner has sought to place undue reliance upon the pendency of O.S.No.8957/2025 in support of the challenge to the impugned order. According to him, the said suit is a wholly misconceived proceeding and has been instituted against persons who are not directly concerned with the dispute raised in the present writ petition.

10.2. He contends that respondent No.3, who is the principal contesting party in the present proceedings, has not even been arrayed as a defendant in the said suit. Instead, the suit has been filed against Sri. B.N. Nagarajiah and Sri.V.Narayana Murthy, who, according to learned counsel, have no nexus with the issues sought to be projected by the petitioner in these proceedings.

10.3. Elaborating the above submission, learned counsel contends that the petitioner cannot



derive any advantage from the pendency of a suit which has not been instituted against the necessary and proper parties to the dispute. It is his submission that the mere filing of a civil suit, particularly one instituted against persons who are allegedly unrelated to the controversy, cannot operate as a bar to the exercise of statutory powers by the competent authority nor can it furnish a valid ground for interfering with the impugned order.

10.4. Learned counsel further submits that the petitioner has deliberately projected the pendency of O.S.No.8957/2025 before this Court as though the issues arising in the present proceedings were already the subject matter of adjudication before the Civil Court. According to him, such a representation is factually incorrect and legally unsustainable, having regard to the nature of the parties arrayed in the suit and the reliefs claimed therein.

10.5. It is his contention that the interim order granted by this Court on 11.02.2026 proceeded on the prima facie assumption that a civil suit involving the same dispute and the same



parties was pending before the competent Civil Court and that, therefore, respondent No.2 ought not to have exercised jurisdiction under Section 25 of the Karnataka Societies Registration Act, 1960. Learned counsel submits that the said assumption stands vitiated in view of the fact that respondent No.3 is not a party to the suit and that the suit itself does not constitute an effective adjudicatory proceeding in respect of the controversy raised in the writ petition.

10.6. Learned counsel therefore contends that the petitioner has failed to place the true and complete facts before this Court while seeking interim relief. According to him, by relying upon the pendency of a suit filed against persons allegedly unconnected with the dispute, the petitioner succeeded in obtaining an interim order of stay which otherwise would not have been granted. He submits that such conduct disentitles the petitioner from invoking the discretionary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.



- 10.7. Learned counsel further submits that the writ jurisdiction being equitable and discretionary in nature, a litigant approaching this Court is required to make a full and fair disclosure of all material facts. Where a party suppresses material particulars or presents the facts in a manner calculated to create an erroneous impression, such party is not entitled to any equitable relief. On this basis, he contends that the interim order granted earlier deserves to be vacated and the writ petition itself is liable to be dismissed.
- 10.8. In the aforesaid circumstances, learned counsel submits that the challenge to the impugned order is devoid of merit and that the writ petition, having been founded upon an incorrect portrayal of the pendency and scope of the civil suit, deserves to be rejected with costs.
11. Sri.B.Keshava Murthy., learned counsel for respondent No.4 by relying on Rule 20(a) would contend that the procedure and the said rules have been followed and a new *ad hoc* Committee has been formulated as per Rule 27 by following the procedure and as such the order passed by the Deputy Registrar is proper and correct.



12. Heard Sri.Devi Prasad Shetty., learned Senior counsel appearing for the petitioner, Smt.Saritha Kulkarni., learned AGA for respondents No.1 and 2, Sri.Santosh S.Nagarale., learned counsel appearing for respondent No.3 and Sri.B.Keshava Murthy., learned counsel appearing for respondent No.4. Perused papers.
13. The short question that would have to be considered by this Court is;

"Whether respondent No.2-Deputy Registrar was justified in exercising powers under Section 25 of the Karnataka Societies Registration Act, 1960 and passing the impugned order recognising the Ad hoc Committee and directing the conduct of elections?"

14. One of the principal submissions advanced by learned counsel appearing for respondent No.3 was that O.S.No.8957/2025 had been instituted against persons wholly unconnected with the dispute and that the petitioner had sought to mislead this Court by contending that the subject matter of the writ petition was already pending consideration before the Civil Court. It was further contended that the said suit was a sham and collusive proceeding and, therefore, the interim order granted by this Court on



the basis of the pendency of the suit was liable to be vacated.

15. Respondent No.4 has filed a statement of objections. Along with the statement of objections, the proceedings of the meeting allegedly held on 21.12.2025 have been produced as Annexure-R4A. A perusal of the said proceedings indicates that Sri.V. Narayana Murthy had actively participated in the said meeting and had addressed the members present therein. Admittedly, the said Sri.V. Narayana Murthy is arrayed as defendant No.2 in O.S.No.8957/2025.
16. During the course of hearing, a specific query was put to the learned counsel appearing for respondent No.4 as regards compliance with Rule 20A and whether the requisite notice convening the meeting had been issued. Pursuant thereto, learned counsel produced a copy of the requisition notice dated 05.12.2025 along with a memo filed before this Court. A perusal of the said notice reveals that the first signatory thereto is Sri.V.Narayana Murthy, who is arrayed as defendant No.2 in O.S.No.8957/2025. The second signatory to the said requisition notice is Sri.B.N.Nagarajiah, who is arrayed as defendant No.1 in the said suit.



17. The aforesaid documents, which have been produced by the respondents themselves, clearly establish that defendants Nos.1 and 2 in O.S.No.8957/2025 were not strangers to the dispute nor were they unrelated third parties, as sought to be contended by learned counsel for respondent No.3. On the contrary, the material on record demonstrates that the said persons were directly involved in convening and conducting the meeting held on 21.12.2025, the legality and consequences whereof form the very foundation of the present controversy. The contention that the suit had been instituted against unrelated persons and was therefore a sham or phony proceeding is thus found to be factually incorrect and unsupported by the record.

18. In view of the above material, this Court is unable to accept the submission that the petitioner had misled the Court while obtaining the interim order dated 11.02.2026. Rather, the documents produced by the respondents themselves indicate that the persons against whom the suit has been instituted are directly connected with the events and proceedings which have culminated in the impugned order. The allegation that the petitioner had suppressed material facts or obtained the interim order by misrepresentation is therefore liable to be rejected.



Prima facie, the material on record would instead indicate that an incorrect factual contention was advanced on behalf of respondent No.3 regarding the nature and involvement of defendants Nos.1 and 2 in the pending civil suit.

19. It is therefore evident that O.S.No.8957/2025 has been properly instituted against persons who were instrumental in initiating and participating in the proceedings of the meeting held on 21.12.2025. The validity of the said meeting and the consequential actions flowing therefrom are matters which form part of the dispute pending before the Civil Court. The prima facie view expressed by this Court while granting the interim order, namely that the dispute relating to the management of the Society was already the subject matter of a pending civil action and that respondent No.2 ought not to have exercised powers under Section 25 of the Karnataka Societies Registration Act, 1960 so as to affect the subject matter of the suit, therefore stands reinforced by the subsequent material placed on record.
20. Despite the pendency of the suit and despite the same having been brought to the notice of the Deputy Registrar, respondent No.2 proceeded to



pass the impugned order recognising the Ad hoc Committee and directing the conduct of elections. In the facts of the present case, such action could not have been taken when the very foundation for the constitution of the Ad hoc Committee and the validity of the meeting from which it purportedly derived authority were already under challenge before a competent Civil Court. The attempt on the part of the respondents to distinguish the proceedings on the ground that respondent No.3 herself was not present in the meeting does not alter the position, since the materials on record disclose that persons closely associated with respondent No.3, who were directly involved in convening and conducting the meeting, have been arrayed as defendants in the suit. Thus, the pendency of the civil proceedings cannot be disregarded on such a technical contention.

21. In that view of the matter, until the suit is decided, respondent No.2 would not have had any power to pass any orders. Hence, I pass the following;

ORDER

- i. The writ petition ***allowed***.
- ii. A certiorari is issued, the order dated 30.01.2026 in No.DRB-1/SAM.SAM/DU.A/



91/2025-26 by respondent No.2 at Annexure H is quashed.

- iii. Any further proceedings shall be subject to the final orders passed in O.S.No.8957/2025.
- iv. On account of misleading arguments being advanced by respondent No.3 which are *ex facie* false, cost of Rs.1,00,000/- is imposed payable to the Karnataka State Legal Services Authority within a period of 30 days from the date of receipt of a copy of this order. If not paid by that date, the same would be recoverable as arrears of land revenue from respondent No.3.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

TMP/SR
List No.: 1 SI No.: 24