

CR 10551/17

G. S. Naik

IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 20TH DAY OF JULY 2017

BEFORE

THE HON'BLE MR. JUSTICE K.N. PHANEENDRA

WRIT PETITION NO.107396/2017 (CS-RES)

BETWEEN:

THE SUCO SOUHARDA SAHAKARI BANK LTD.,
H.O. SUCO BHAVAN, MOKA ROAD, BALLARI.
DIST: BALLARI, PIN: 583 103,
R/BY ITS CHIEF EXECUTIVE OFFICER,
SRI VENKATESH S/O NAGESH RAO,
AGE 44, R/O, C/O RACHAYYA SWAMI,
KAPAGAL RAOD, BALLARI-583101.



(BY SMT SEEMA S.NAIK, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF CO-OPERATION,
VIKAS SOUDHA, BENGALURU.
2. REGISTRAR OF CO-OPERATIVES,
NO.1 ALI ASKAR ROAD,
BENGALURU.
3. MANAGING DIRECTOR,
KARNATAKA STATE SOUHARDA FEDERAL,
CO-OPERATIVE LTD., NIRMANA BHAVAN,
DR.RAJKUMAR ROAD, 1ST BLOCK,
RAJAJI INAGAR, BENGALURU-01,

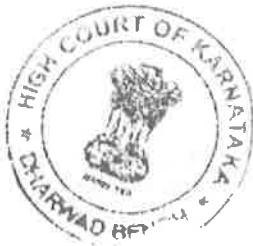
This Certified Copy Contains 07 Pages
and Copying Charges of Rs 21 is received
in Cash.

4. DISTRICT ELECTION OFFICER &
REGIONAL COMMISSIONER,
BENGALURU DIVISION,
BENGALURU.
5. RETURNING OFFICER,
KARNATAKA STATE SOU HARDA,
SAMYUKTA SAHAKARI LTD.,
BENGALURU & SECRETARY,
KARNATAKAK URBAN WATER SUPPLY
& DRAINAGE BOARD,
BENGALURU.
6. KARNATAKA STATE CO-OPERATIVE
ELECTION AUTHORITY,
3RD FLOOR, SHANTINAGAR,
T.T.M.C. "A" BLOCK, SHANTINAGAR,
BENGALURU-560027,
REPRESENTED BY ITS SECRETARY.

RESPONDENTS

(BY SRI C.S.PATIL, GA FOR R.1 & R2)
(BY SRI SRINAND A PACHHAPURE ADVOCATE FOR R3)
(BY SRI HEMANTH KUMAR L HAVARAGI, ADVOCATE
FOR R.6.)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 & 226 OF CONSTITUTION OF INDIA PRAYING TO
ISSUE A WRIT IN THE NATURE OF CERTIORARI
QUASHING THE IMPUGNED DEFAULTERS LIST
INCLUDING THE NAME OF THE PETITIONER AT
SL.NO.1773 BEARING NO.CHUNAVANE-VIVA/42/2015-
16 VIDE ANNEXURE-J ISSUED ON 10.07.2017 BY THE
4TH RESPONDENT, IN SO FAR AS THE PETITIONER IS
CONCERNED, ISSUE A WRIT IN THE NATURE OF
CERTIORARI, QUASHING THE NOTICE DATED



10.03.2017 MEMBERSHIP NO.BEL-068 VIDE ANNEXURE-G ISSUED BY THE 3RD RESPONDENT, IN SO FAR AS THE PETITIONER IS CONCERNED AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS, THIS DAY THE COURT, MADE THE FOLLOWING:

ORDER

The petitioner is challenging the notices issued by the respondent No.3 dated 10.03.2017 as per Annexure-G and as well as 03.07.2017 as per Annexure-H, wherein the respondent No.3 has demanded a sum of Rs.1,61,051/- towards education fund for the year 2015-16.

2. Under Annexure-G, the respondent No.3 has directed the petitioner to deposit the said amount on or before 31.03.2017. Again another notice was issued as per Annexure-H, which is also under challenge wherein it is stated that, the said amount has to be paid within 18.07.2017, otherwise the petitioner is not entitled to participate in the 16th Annual General Body meeting of respondent No.3.



3. The learned counsel for the petitioner strenuously contended that, the petitioner is very much opposed the demand notice, who submit that the respondent No.3 is not entitled to demand such an amount.

4. Admittedly the petitioner is the Souharda Sahakari Bank Limited and the 3rd respondent is the Karnataka State Souharda Federal Co-Operative Limited. The petitioner is the member of the 3rd respondent. There is no dispute, so far as this aspect is concerned.

5. The learned Addl. Government Advocate and counsel for respondent No.6 submit that, there is an alternative efficacious remedy is available under Section 39 of the Karnataka Souharda Sahakari Act, 1997 for resolving their dispute. The learned counsel for the petitioner submits that even on the previous year also there was a demand and the said notice was challenged under Section 39 of the Karnataka



Souharda Sahakari Act, 1997, but orders is not yet passed by the competent authority. He further submits that, he has not yet availed any alternative remedy by disputing the demand notice before the competent authority, but the petitioner would like to avail such remedy disputing the demand notice.

6. The learned counsel for the petitioners brought to the notice of this court that, previously this court has directed the petitioner to deposit the amount and thereafter permitted him to participate in the Annual General Body meeting for the year 2016-17, which was held on 24.05.2016 vide order dated 23.08.2016 passed in W.P.No.108980/2015.

7. In view of the said facts and circumstances, the petitioner is hereby directed to deposit the said amount before the 2nd respondent-Registrar of Co-Operatives, No.1, Ali Askar Road, Bengaluru by way of fixed deposit for a period of one year in the name of the Registrar of Co-Operatives, on



or before 25.07.2017. If that amount is deposited, the respondents No.4 to 6 are hereby directed to permit the petitioner to participate in the Annual General Body meeting of respondent No.3 for the year *2017-18, and the election which is scheduled to be held on 28.07.2017 and also permit him to cast the vote, if any elections are held on that day.

* Corrected
vide court
order dated
25.7.2017
Sd/-
(KNP)

8. If any petition or dispute is filed under Section 39 of the Karnataka Souharda Sahakari Act, 1997 challenging the said demand notice issued by respondent No.3, the respondent No.2-the Registrar, Co-Operatives shall hear the matter after giving an opportunity to both the parties and dispose of the same as expeditiously as possible.

Sd/-
JUDGE

EM/-



KNPJ:
25.07.2017

W.P. No. 107396/2017

ORDER ON I.A. NO. 2/2017

Heard the learned counsel for the petitioner and perused the records. There is a typographical error crept at page no. 6 in paragraph no. 7 at 4th and 5th line. Instead of mentioning "2017-18" after the word "year" it is wrongly mentioned as "20017-18" and thereafter the words "and the election" shall be incorporated after the numerical "2017-18" the words "and the election) have to be added, so as to read the sentence as follows:

"If the amount is deposited, the respondents No.4 to 6 are hereby directed to permit the petitioner to participate in the Annual General Meeting of respondent No.3 for the year 2017-18 and the election which is scheduled to be held on 28.07.2017 and also permit him to cast his vote, if any elections are held on that day."



Office to issue fresh certified copy of the order after carrying out the corrections.

- a) The date on which the application was made 26.7.17
- b) The date on which additional charges were paid 26.7.17
- c) The date on which original charges were paid 26.7.17
- d) The date on which bvv 26.7.17
- e) The date on which copy is submitted for delivery 26.7.17
- f) The date on which the applicant is required to appear on 31.7.17
- g) The date on which copy is delivered to the applicant 26.7.17
- h) Examined by:

Sd/-

JUDGE

"TRUE COPY"

[Signature]
Section Officer
Copying Branch
High Court of Karnataka
Bench, Dharwad.