



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 105252 OF 2023 (CS-DAS)**

**BETWEEN:**

ACHYUTH J. S/O. J. BALASUBRAMANYAM,  
AGED ABOUT 36 YEARS, R/AT: PLOT NO.4,  
'SHARAVANANIVAS', 1<sup>ST</sup> CROSS,  
AGADI MAREPPA COMPOUND, BELLARY-583 101.

ALSO AT:  
HOUSE NO.21, WARD NO.10,  
SOMADRI STREET,  
NEAR KAVITHA ICE CREAM FACTORY,  
BELLARY-583 101.

...PETITIONER

(BY SRI. SIDDAPPA S. SAJJAN, ADVOCATE FOR  
SRI. C.B. SHAKUNVALLI AND  
SRI. G.A. ANTHONY CREYE, ADVOCATES)

**AND:**

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN KARNATAKA,  
NO.1, ALI ASKAR ROAD,  
BENGALURU-560 052.
2. THE RECOVERY OFFICER,  
(UNDER RULE 441),  
OOD, JOINT REGISTRAR OF  
CO-OPERATIVE SOCIETIES,  
REGIONAL OFFICE, GOKUL ROAD,  
DOLLARS COLONY, BEHIND NEW BUS STAND,  
HUBBALLI-583 101.
3. THE RECOVERY OFFICER, (U/R. 441),  
OOD ASSISTANT REGISTRAR OF  
CO-OPERATIVE SOCIETIES,  
ATTACHED TO BELARY URBAN CO-OP. BANK LIMITED,





EDIGA HOSTEL COMPLEX, COURT ROAD,  
BELLARY-583 101.

4. THE SECRETARY/CEO,  
BELLARY URBAN CO-OP. BANK LIMITED,  
EDIGA HOSTEL COMPLEX, COURT ROAD,  
BELLARI-583 101.
5. J. GOPINATH S/O. ACHAIAH SHETTY,  
AGED ABOUT 63 YEARS, OCC: BUSINESS,  
R/AT. PLOT NO.4, SHARAN NIVAS,  
1<sup>ST</sup> CROSS, AGADI MAREPPA COMPOUND,  
BELLARI-583 101.
6. SMT. J. ANURADHA C/O. J. SUVARNA LAKSHMI VISHNU,  
R/AT. PLOT NO.4, SHARAN NIVAS,  
1<sup>ST</sup> CROSS, AGADI MAREPPA COMPOUND,  
BELLARY-583 101.
7. SMT. SUARNALAKSHMI D/O. J. GOPINATH,  
AGED: 33 YEARS, R/AT. PLOT NO.4,  
SHARAN NIVAS, 1<sup>ST</sup> CROSS, AGADI MAREPPA  
COMPOUND, BELLARY-583 101.

...RESPONDENTS

(BY SRI. P.N. HATTI, HCGP FOR R1 TO R3  
SRI. SOURABH A. SONDUR, ADVOCATE FOR  
SRI. S.S. FADNIS, FOR R4)  
(R5 TO R7 UNCLAIMED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RELEVANT RECORDS PERTAINING TO DISPUTE NO. 2568/2018-19, 2569/2018-2019 AND 2570/2018-2019 AND CIVIL MISC. NO. 1/2023-24. II) AND ALSO ISSUE A WRIT OF MANDAMUS, DIRECTING THE RESPONDENT NO.1 TO TRANSFER THE DISPUTES NO. 2568/2018-19, 2569/2018-2019 AND 2570/2018-2019 AND CIVIL MISC. NO. 1/2023-24 PENDING ON THE FILE OF RESPONDENT NO.2 VIDE ANNEXURE-E, E1, E2 AND H OF THE RECOVERY OFFICER RESPONDENT NO.2 ND 3 AS PROVIDED U/S. 71(1) (b) OF KCS ACT, 1959 R/W. RULE 31(5) (a) (III), KCS RULES, 1960. IT IS IN CLARITY THAT BY WAY OF GIVING EFFECT TO AFORESAID PROVISIO AND TRANSFER AFORESAID DISPUTES TO ANY OTHER OFFICERS OTHER THAN RESPONDENT NO.2 WILL NOT CAUSE ANY HARM, DAMAGE AND INJURY TO THE RESPONDENTS.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The captioned petition is filed seeking transfer of disputes pending in No.2568, 2569, 2570/2018-2019 and Civil Misc. No.1/2023-24 pending on the file of respondent No.2.

2. Learned counsel appearing for respondent No.4- Bank, on instructions submits that all these disputes are already decided and award is passed. If disputes are decided and awards are passed in all three disputes, petitioner has efficacious remedy under Section 105 of the Karnataka Co-Operative Societies Act, 1959.

3. Hence, reserving liberty to the petitioner to avail the remedy of an appeal, the appeal stands disposed of.

**Sd/-**  
**JUDGE**

ALB  
List No.: 1 Sl No.: 17