

**(2013) 07 KAR CK 0359**

**In the Karnataka High Court**

**Case No : Writ Petition No. 72643 of 2012 (CS-RES)**

Lingaraj H. Mashal

APPELLANT

Vs

Veeranna C. Charanthimath and Others

RESPONDENT

**Date of Decision : 04-07-2013**

**Acts Referred:**

Karnataka Co-operative Societies Act, 1959 — Section 64

**Citation :** (2013) ILR (Kar) 5579 : (2013) 4 KCCR 3265

**Hon'ble Judges :** H.G. Ramesh, J

**Bench :** Single Bench

**Advocate :** Anand R. Kolli, for the Appellant; S.B. Habballi for Respondents-1 and 5 and Sri Y.V. Raviraj, Additional Government Advocate for Respondents-2 and 4, for the Respondent

## Judgement

H.G. Ramesh, J.—By consent of learned Counsel on both sides, the petition is heard on merits and is being disposed of by this order. In this writ petition, the petitioner is challenging the order dated 07.11.2012 (Annexure-C) passed by the then Chief Minister staying the order dated 05.11.2012 (Annexure-B) wherein the Registrar of Cooperative Societies, in exercise of the power conferred on him u/s 64 of the Karnataka Co-operative Societies Act, 1959 ("the Act" for short), had directed a committee consisting of three officers to visit respondent No. 5-- Society namely Sri. Bilur Gurubasava Credit Co-operative Society Ltd., Bagalkot and to submit a report relating to certain financial irregularities alleged by the petitioner against the Society. The Registrar, in his order, has also stated that the Society did not produce the books of accounts when the Deputy Registrar, Bagalkot, visited the Society to examine the veracity of the aforesaid allegation made by the petitioner. That must be the reason for the Registrar to direct a team of three officers to visit the Society.

2. Learned Additional Government Advocate was not able to trace the power of the Chief Minister to any provision of law to stay the statutory order passed by the Registrar of Co-operative Societies. As no power is conferred on the Chief

Minister under the Act to examine the correctness of the order passed u/s 64 of the Act, the order to stay granted by the then Chief Minister is unsustainable in law. Accordingly, it is set aside. Now, the Registrar of Co-operative Societies shall implement the aforesaid order dated 05.11.2012 at Annexure-B.

The writ petition stands disposed of in the above terms.