

(2014) 12 KAR CK 0288

In the Karnataka High Court

Case No : Writ Petition Nos. 50210 and 50212 to 50216 of 2014 (GM-KSR)

Muniswamy K. and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 08-12-2014

Acts Referred:

Karnataka Societies Registration Act, 1960 — Section 27-A(1)(c)

Citation : (2015) 1 KarLJ 461 : (2015) 4 KCCR 3299

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : M. Jaiprakash Reddy, Advocates for the Appellant; H.B. Mahesh, High Court Government Pleader and P.N. Hegde, Advocates for the Respondent

Judgement

S. Abdul Nazeer, J.—Though these writ petitions are listed for orders, by the consent of the learned Counsel for the parties, they are taken up for final hearing, heard and disposed of by this order. In these cases, the petitioners have called in question the validity of the order at Annexure-F, dated 17-10-2014 whereby, the first respondent has appointed an Administrator to manage the affairs of respondent 3-Society.

2. The contention of the learned Counsel for the petitioners amongst others is that the respondent-Society was not afforded with an opportunity of being heard before the appointment of an Administrator.

3. Learned High Court Government Pleader has produced the records maintained by the first respondent in relation to the case. It is evident from the records that no notice has been issued to the petitioners or the Society before passing the impugned order. It has been passed on the basis of the report of the District Registrar. Section 27-A(1)(c) of the Karnataka Societies Registration Act, 1960, states that if the State Government in public interest, considers it necessary to appoint an Administrator to manage the affairs of the Society, it can do so after holding an enquiry. It is clear that no enquiry has been held before passing the order. In the result, writ petitions succeed and they are accordingly allowed in

part. The order at Annexure-F passed by the first respondent is hereby quashed. However, liberty is reserved to the first and second respondents to pass fresh order in accordance with law. No costs.