

(2013) 07 KAR CK 0037

In the Karnataka High Court

Case No : Writ Petition No. 48431 of 2012 (CS-RES)

Sri. Shivaram

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 03-07-2013

Acts Referred:

Constitution of India, 1950 — Article 12
Karnataka Co-operative Societies Act, 1959 — Section 70

Citation : (2013) 07 KAR CK 0037

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : O. Shivarama Bhat, for the Appellant; K.A. Ariga, AGA for R1-2, Sri. Jayakumar S. Patil for M/s. Jayakumar S. Patil Assts for R4-7 and R10-12, R3, 8, 9, 13 and 14, for the Respondent

Judgement

A.N. Venugopala Gowda, J.—The petitioner is a Director of the 3rd respondent-Society, which is a Co-operative Society registered under the provisions of the Karnataka Co-operative Societies Act, 1959. This writ petition has been filed to quash a resolution dated 19.11.2012 of the 3rd respondent-Society, as at Annexure-A, passed by respondents 5 to 13, in the capacity as the Members of the Managing Committee of the Society, in the matter of appointment of the Chief Executive Officer to the Society. Petitioner's grievance is that the 4th respondent would be appointed to the post, pursuant to the resolution, as at Annexure-A, which is illegal. Heard Sri O. Shivarama Bhat and Sri. K.A. Ariga and Mr. Jayakumar S. Patil, learned advocates and perused the writ record.

2. This writ petition is not maintainable since writ cannot be issued to a Co-operative Society which is not State or other Authority falling under Article 12 of the Constitution. The petitioner has alternate and efficacious remedy u/s 70 of the Act. The petitioner can question the impugned resolution by raising a dispute u/s 70 of the Act before the Jurisdictional Registrar.

In the said view of the matter petition being not maintainable is rejected.

IA. No. 1/2013 does not survive for consideration.