

Case Name:- B. Vittal Prasad v. Registrar of Co-operative Societies

Citation:- 2019 SCC OnLine Kar 2861

Link:- <http://www.sconline.com/DocumentLink/44CFGXG0>

Judgement:- <https://share.google/ZVu3BMMsGVQy5qKU2>

Summary and Conclusion:-

The background of B. Vittal Prasad v. Registrar of Co-operative Societies and Others (2019) centers on an alleged violation of election rules and the failure of a government authority to respond to a formal complaint.

The Parties Involved

The Petitioner: B. Vittal Prasad, a concerned party or member of the society.

The Respondents: The Registrar of Co-operative Societies (the government regulator) and a specific individual (Respondent No. 4) who won a seat on a bank board.

The Organization: The Grain Merchants' Co-operative Bank.

The Alleged Violation

The conflict began with the election of the Director for the Grain Merchants' Co-operative Bank.

The Complaint: On August 5, 2019, B. Vittal Prasad filed a formal complaint with the Registrar of Co-operative Societies.

The Accusation: He alleged that Respondent No. 4 had participated in the election and become a Director in a manner that was contrary to the Rules governing co-operative societies.

The Administrative Failure

Under the law, the Registrar is responsible for overseeing co-operative banks and ensuring elections are held fairly and according to the rules. However, after filing the complaint in August:-

No Action: The Registrar did not investigate the claims.

Silence: No response or decision was provided to the petitioner regarding whether Respondent No. 4 was actually disqualified or if the election was valid.

The Legal Challenge

Frustrated by this lack of response, B. Vittal Prasad approached the Karnataka High Court (Principal Bench at Bengaluru) by filing a Writ Petition (No. 51268 of 2019).

He did not ask the court to remove the Director immediately; instead, he asked for a direction (a writ of mandamus) to force the Registrar to simply do their legal duty: look at the evidence provided in the August 5th complaint and take action in accordance with the law.

In the case of B. Vittal Prasad v. Registrar of Co-operative Societies and Others (2019), the Karnataka High Court reached a procedural conclusion rather than a final ruling on the underlying complaint.

The Conclusion of the Court

The court disposed of the writ petition with a specific directive:-

Direction to the Registrar: The court ordered the Registrar of Co-operative Societies to consider the petitioner's complaint dated August 5, 2019.

Timeframe: The Registrar was instructed to address the complaint "as expeditiously as possible."

Administrative Record: The court also permitted the High Court Government Pleader four weeks to file a memo of appearance.

Core Issue

If a government official ignores a formal complaint about an illegal election, can the court force that official to look at it?

Conclusion

Yes. The court didn't decide if the election was actually illegal, but it did decide that the Registrar cannot simply ignore a formal complaint. The judge ordered the Registrar to wake up, look at the complaint, and make a decision on it quickly.

Background Summary

The petitioner, B. Vittal Prasad, had complained that an individual (Respondent No. 4) participated in an election to become a Director of the Grain Merchants' Co-operative Bank in violation of the rules. When the Registrar failed to take any action on this complaint for several months, the petitioner filed this writ petition (under Articles 226 and 227) to force the authorities to do their job.

Case Name:- B.C. Reddy v. Additional Registrar of Co-operative Societies (I and M)

Citation:- Bangalore, 2009 SCC OnLine Kar 47

Link:- <http://www.sconline.com/DocumentLink/YjxX48yn>

Judgement:- <https://share.google/biKGsQN5pokXL5CzP>

Summary and Conclusion:-

The background of the case B.C. Reddy and others v. The Additional Registrar of Co-operative Societies (2009) involves a long-standing legal dispute regarding a cooperative society matter that originated in the late 1990s.

Based on the judgment text, here is the chronological background:

1. The Original Dispute (1997-1999)

The case began as a dispute (No. D.D.S./D.2/1106/1997-1998) filed before the Additional Registrar of Co-operative Societies (the first respondent). In July 1999, the Registrar passed an order regarding this dispute.

2. The Death of a Key Party

One of the primary parties involved, Sri M.G. Jagadish, passed away. This led to his legal representatives (listed as respondents 3 to 5 in this writ petition) taking up the matter.

3. Appeal to the Karnataka Appellate Tribunal

The legal heirs of M.G. Jagadish challenged the 1999 Registrar's order by filing an appeal (Appeal No. 588 of 1999) before the Karnataka Appellate Tribunal. However, because the appeal was filed late, they also filed an application under Section 5 of the Limitation Act, 1963, asking the Tribunal to "condone the delay" (forgive the lateness) of the filing.

4. The Tribunal's Decision (2007)

On January 12, 2007, the Karnataka Appellate Tribunal ruled in favor of the legal heirs. The Tribunal:-

Accepted their explanation for the delay (condoned the delay).

Set aside (cancelled) the original 1999 order passed by the Registrar.

Directed the Registrar to hear the case again and decide it on its actual merits.

5. The Writ Petition (The Current Stage)

B.C. Reddy and others (the petitioners) were unhappy with the Tribunal's 2007 decision to reopen the case after so many years. They approached the High Court of Karnataka via this Writ Petition (No. 8917 of 2007), asking the High Court to quash the Tribunal's order and stop the case from being reheard.

In short: The background is a procedural battle over whether a 1999 legal order should stay closed or be reopened for a fresh hearing due to a delayed appeal by the heirs of a deceased party.

The High Court of Karnataka, in the case of B.C. Reddy and others v. The Additional Registrar of Co-operative Societies and others, concluded that the writ petition filed by the petitioners should be dismissed.

The court's decision was based on the following findings:-

No Error in Judgment:- The court found no "error or material irregularity" in the order passed by the Karnataka Appellate Tribunal.

Valid Condonation of Delay: The Tribunal acted correctly in allowing the appeal filed by the legal representatives of the deceased respondent (Sri M.G. Jagadish) and in excusing the delay in filing the dispute.

Justification: The court noted that the Tribunal had provided "valid and cogent reasons" for its decision and had properly followed previous judgments from the High Court and the Supreme Court.

The Issue:

Whether the Karnataka Appellate Tribunal acted illegally or unfairly by accepting a late appeal and setting aside a previous order.

The Conclusion:

The High Court decided that the Tribunal's decision was fair and lawful. The Tribunal had good reasons to allow the late appeal, and because there were no mistakes in how they handled the law, the High Court refused to cancel the Tribunal's order. The case will now proceed to be heard on its actual merits as directed.