

**Case Name:** - A.K. Manjunath v. Registrar of Coop. Societies

**Citation:** - 2023 SCC OnLine Kar 798

**Link:** - <http://www.sconline.com/DocumentLink/hyA2vh19>

**Judgement:** - <https://share.google/3O6BzkoQITsGacdmV>

**Conclusion:** -

A.K. Manjunath v. Registrar of Co-operative Societies (2023 SCC OnLine Kar 798) involves a dispute over the ownership and boundaries of a vacant site in Chitradurga.

### **Origin of Title**

The dispute centers on a property originally owned by Sham Rao, who executed a registered gift deed on February 16, 1953 (Ext. P-2), in favor of K. Sathyanarayana Rao. While there was a conflict regarding the exact measurements, the High Court noted that a reading of this deed showed the gifted land measured feet.

### **Chain of Ownership**

- **Initial Sale:** After the death of Sathyanarayana Rao, his wife and children sold portions of this land to the father of the plaintiffs (A.K. Manjunath and others) through a registered sale deed (Ext. P-4).
- **Total Extent:** The plaintiffs contended that the total extent sold to their father was 30 × 90 feet, derived from the original gift deed.
- **Inheritance:** Following the death of their father, A.R. Krishnaswamy Setty, in 1993, the plaintiffs inherited the property.

### **The Conflict with Defendants**

The dispute arose in June 1998 when the plaintiffs alleged that the Chitradurga Zilla Khadi Co-operative Society Ltd. (Defendant 1) and other defendants attempted to trespass on a 30 × 60 foot portion of the site.

- **Plaintiffs' Allegation:** They claimed the defendants colluded with municipal authorities to tamper with records regarding the property measurements to cause them loss.
- **Defendants' Stand:** Defendant 2 denied the plaintiffs' ownership, claiming they were in occupation of the property and that the plaintiffs' sale deed was a "bogus document" that had not been acted upon.

### **Initial Legal Proceedings**

The plaintiffs filed a suit (**OS No. 182 of 1998**) seeking a declaration of title and a permanent injunction. The Trial Court originally decreed the suit in Favor of the plaintiffs, but the First Appellate Court later modified this decree, leading the plaintiffs to file the Regular Second Appeal.

The High Court of Karnataka allowed the appeal filed by the plaintiffs (A.K. Manjunath and others) and dismissed the cross-objection filed by the defendants. The Court set aside the judgment of the First Appellate Court and restored the original decree of the Trial Court.

### **Key Legal and Factual Determinants**

The Court's decision rested on several critical findings regarding the title and identification of the "schedule property":

- **Documentary Consistency:** The Court held that the registered gift deed (Ext. P-2) and the registered sale deed (Ext. P-4) were consistent with each other.
- **Correction of Extent:** The Court found that the First Appellate Court erred by concluding the original gift was only 30 × 60 feet. A "bare reading" of the gift deed (Ext. P-2) confirmed the gifted land was actually 30 × 90 feet.
- **Validity of Title:** Since the plaintiffs' father purchased the property through a registered sale deed (Ext. P-4) that matched the original gift's extent, the plaintiffs successfully proved their title.
- **Identification through Commissioner:** To resolve boundary disputes, the Court relied on an Assistant Director of Land Records (ADLR) as a Court Commissioner. The Commissioner's report and sketch clearly distinguished the plaintiffs' vacant site (marked in pink) from the defendants' property.
- **Error of Law:** The Court answered the substantial question of law in the affirmative, ruling that the lower Appellate Court committed a serious error by failing to consider the material evidence presented in the registered deeds.

**Case Name:** - Ajit v. Joint Registrar of Coop. Societies

**Citation:** - 2024 SCC OnLine Kar 22846

**Link:** - <http://www.sconline.com/DocumentLink/y15IQfRa>

**Judgement:** -

<https://share.google/XmTpBNoexQILDmZHW>

**Conclusion:** -

The background of this case, as detailed in the provided documents from the High Court of Karnataka, is centred on an internal leadership and management dispute within a cooperative society.

### **Key Parties Involved**

**The Petitioner:** Ajit S/o Balappa Hosamani, a 60-year-old man claiming to be the Chief Executive Officer (CEO) of the Prathamik Krishi Pattina Sahakari Sangh Niyamit, Patagundi.

**The Respondents:** Official respondents (Nos. 1–4) including the Joint, Deputy, and Assistant Registrars of Co-operative Societies, and the Superintendent of Police.

Respondent No. 5 (Mallappa S/o Bhagwant Sallagol), the former President of the same society.

### **The Conflict**

The dispute arose because the petitioner felt he was being prevented from performing his duties as CEO. Specifically:

**Allegations of Interference:** The petitioner alleged that Respondent No. 5 (the erstwhile President), along with three other individuals, was not allowing the "smooth functioning" of the society.

**Seeking Government Action:** The petitioner had submitted formal representations (complaints) to the Joint and Deputy Registrars (Respondent Nos. 1 & 2) dated November 18, 2023, and October 27, 2023.

**The Legal Demand:** Because the Registrars had not acted on these complaints, the petitioner filed this Writ of Mandamus. A "mandamus" is a court order used to command a government official to perform a duty they are legally required to do.

### **What the Petitioner Wanted**

He requested the Court to direct the authorities to:

- \* Consider and act upon his representations.
- \* Stop Respondent No. 5 and others from causing "hindrance/interference" in the day-to-day affairs of the Sangha (society).

### **Core Issue**

The petitioner, claiming to be the Chief Executive Officer (CEO) of a cooperative society, asked the Court to order the Joint and Deputy Registrars to act on his complaints. He alleged that a former President of the society (Respondent No. 5) and others were interfering with his work and preventing the smooth functioning of the society.

### **The Court's Conclusion**

The High Court of Karnataka dismissed the petition.

The Court's reasoning was based on two main points:

**No Violation of Rights:** There was no evidence that any of the petitioner's legal or constitutional rights had been broken.

**Lack of Justiciable Right:** The petitioner failed to prove he had a "justiciable right"—meaning a specific legal right that a court is authorized to protect or enforce in this context.

Therefore, The Court decided there was no valid legal reason for it to interfere in this internal society dispute and rejected the case at the preliminary hearing stage.

**Case Name:** - Akthar Mateen v. Registrar of Coop. Societies

**Citation:** - 2017 SCC OnLine Kar 7250

**Link:** - <http://www.scconline.com/DocumentLink/zB07G7xL>

**Judgement:** - <https://share.google/Gp6LbeqyOR8FbKeDR>

**Conclusion:** -

The background of Akthar Mateen v. Deputy Registrar of Co-operative Societies (Writ Petition No. 29869 of 2016) involves a legal battle over the disqualification of an elected official within a cooperative society.

### **1. The Disqualification Order**

The petitioner, Akthar Mateen, held the position of Director in a specific Co-operative Society. On October 9, 2015, the Assistant Registrar (the second respondent) passed an order disqualifying him from this post.

This disqualification was triggered by accusations and allegations made against him by a "fourth respondent," who acted as the original complainant.

### **2. The Legal Basis**

The authorities invoked Section 29C of the Karnataka Co-operative Societies Act, 1959. This section outlines the specific conditions under which a person is disqualified from being a member of a society's committee (such as being a defaulter, having a conflict of interest, or other statutory irregularities).

### **3. The Failed Appeal**

Before coming to the High Court, Akthar Mateen appealed the disqualification order to the Deputy Registrar of Co-operative Societies, Mysore (the first respondent).

On May 2, 2016, the Deputy Registrar dismissed the appeal, upholding the original decision to disqualify him.

The Deputy Registrar agreed with the Assistant Registrar's findings, leading to what the High Court called "concurrent findings" against the petitioner.

### **4. The Writ Petition (Constitutional Challenge)**

Dissatisfied with being removed from his post, Akthar Mateen filed a Writ Petition in the High Court of Karnataka. His primary argument was not necessarily about the facts of the accusations, but about the procedure:

He claimed he was never given an opportunity to explain his side or provide objections to the accusations before the disqualification order was issued.

He argued that even during the appeal, he wasn't given a chance to reconsider the merits of the case or go back to the original court to place his objections on record.

### **The Central Dispute**

The case arrived at the High Court as a question of procedural fairness: Can a Registrar disqualify an elected Director based on a complaint without first holding a proper inquiry where the Director can defend themselves?

The conclusion of *Akthar Mateen v. Deputy Registrar of Co-operative Societies* (2017) centres on the legal principle of natural justice, specifically the right to be heard.

### **The Core Issue**

The petitioner was disqualified from his post as Director of a Co-operative Society under Section 29C of the Karnataka Co-operative Societies Act, 1959. He challenged this, arguing that he was never given a fair chance to defend himself against the accusations made by the complainant.

### **The Court's Conclusion**

The High Court of Karnataka ruled in Favor of the petitioner. The key takeaways from the judgment are:

**Violation of Due Process:** The Court found that neither the original authority (the Assistant Registrar) nor the appellate authority (the Deputy Registrar) provided the petitioner with a "sufficient opportunity" to present his Défense.

**Orders Quashed:** Because the principle of natural justice was ignored, the Court set aside (cancelled) the previous orders that disqualified the petitioner.

**Strict Timeline:** The Court ordered that this new inquiry must be completed and a fresh decision passed within six months, ensuring that all parties are given a fair hearing this time.

Therefore, The Court decided that you cannot disqualify a director without first letting them explain their side of the story. The previous disqualification was cancelled, and the authorities must now redo the process fairly.