

Case Name:- B.T. Subbarangayya v. Registrar of Co-operative Societies

Citation:- 1988 SCC OnLine Kar 88

Link:- <http://www.sconline.com/DocumentLink/5vqy5JpC>

Judgement:- <https://share.google/0nc6zM9nmDeQ3HiP2>

Summary and Conclusion:-

Background of B.T. Subbarangayya v. Registrar of Co-operative Societies (1988)

The background of this case highlights a significant struggle between a cooperative society and bureaucratic delay regarding the implementation of social reservation laws.

1. New Legal Requirements

In 1984, the Karnataka State Government amended the Karnataka Co-operative Societies Act, 1959, by introducing Section 28-A. This new law mandated that managing committees of cooperative societies must reserve seats for:-

Members of Scheduled Castes (SC)

Members of Scheduled Tribes (ST)

Women

2. The Society's Compliance

The Mysore Powerloom Silk Manufacturers Co-operative Society (the 3rd respondent) took steps to comply with this new law. In November 1984, the Society passed a resolution to amend its internal rules (bye-laws) to include these reservations.

3. The "Bureaucratic Sleep"

The Society sent these amended rules to the Registrar of Co-operative Societies for official registration and approval in early 1985. Over the next two years:-

The Society sent multiple reminders (in August and September 1985).

The Registrar did not respond, neither approving nor rejecting the rules.

Because the rules weren't officially registered, the new reservation system could not technically take effect.

4. The Election Conflict

Despite the lack of official approval for the new rules, the Society moved forward with elections in late 1986. However, the calendar of events for the election did not mention any reserved seats for SC, ST, or women. The election officers claimed they couldn't reserve seats because the Society's registered bye-laws hadn't been updated yet.

5. The Petitioner's Grievance

B.T. Subbarangayya, a shareholder of the Society, felt that the failure to reserve seats was a direct violation of the law (Section 28-A). He argued that the members of these protected

groups were being deprived of their legal right to representation because the Registrar was simply failing to do his job.

In short: The background is a case of "administrative paralysis." A cooperative society tried to follow a new law by updating its rules, but a government official ignored the update for two years. This delay created a loophole that allowed the society to hold elections without the mandatory reservations for women and marginalized communities, forcing a member to seek help from the High Court.

In the case of *B.T. Subbarangayya v. Registrar of Co-operative Societies* (1988), the High Court of Karnataka reached a conclusion that strongly rebuked bureaucratic delay and enforced administrative accountability.

The court allowed the writ petition and issued the following orders:

1. Mandatory Direction (Writ of Mandamus)

The court issued a direction to the Registrar of Co-operative Societies (the first respondent) to take immediate action to consider the amended bye-laws that had been submitted by the Society. The Registrar was ordered to grant approval in accordance with the law and communicate the decision to the Society within 30 days.

2. Imposition of Costs

To highlight the "breach of duty," the court ordered the first respondent (the Registrar) to pay ₹1,000 to the petitioner to cover the costs of the legal proceedings.

3. Judicial Observation on Accountability

The court held that:

Inaction is a Breach: Failing to take a decision within a reasonable time (over two years in this case) constitutes a "dereliction of duty" and "negligence."

Role of Judiciary: The court defined itself as a "Senior Partner" in public administration, asserting that the judiciary must step in when the executive fails to combat "bureaucratic intransigence and callousness."

The Issue:

Can a government official (the Registrar) simply ignore a request for over two years, and does the court have the power to force them to do their job and punish the delay?

The Conclusion:

The High Court ruled that "doing nothing" is a violation of the law. The judge was very critical of the Registrar for "sleeping over the matter" for two years. The court gave the Registrar a strict 30-day deadline to finally approve or reject the Society's new rules. Additionally, the Registrar was ordered to pay the petitioner ₹1,000 as a penalty for the unnecessary delay and legal trouble caused.

Case Name:- Bangera R.S. v. Asst. Registrar of Co-operative Societies

Citation:- 1988 SCC OnLine Kar 150

Link:- <http://www.sconline.com/DocumentLink/8zyOj8w1>

Judgement:- <https://share.google/tc8dshB5k628JN6bB>

Summary and Conclusion:-

The background of the case Bangera R.S. v. Asst. Registrar of Co-operative Societies & others (W.P. No. 16403/1984) involves a legal dispute regarding the promotion and registration of a co-operative society.

Based on the judgment record, the primary context of the case is as follows:

Parties Involved: The petition was filed by Bangera R.S. against the Assistant Registrar of Co-operative Societies and other respondents.

The Dispute: While the specific administrative grievance against the Registrar is not detailed in the brief order, the case centered on a dispute raised by a promoter of a society.

The Impasse: During the pendency of the Writ Petition, the original petitioner (Bangera R.S.) passed away. This led to a procedural question of whether the case could continue.

The Claim of Succession: Another individual (represented by Mr. Raghavendrachar) filed an impleading application to join the proceedings. This applicant claimed that because they were also a promoter of the Society, they should be recognized as a "successor in interest" and allowed to carry on the legal challenge.

The central legal issue in the background was whether the rights and "cause of action" of a society promoter are personal to that individual or if they can be inherited or transferred to a co-promoter upon death.

The conclusion of the case Bangera R.S. v. Asst. Registrar of Co-operative Societies & others (1988 SCC OnLine Kar 150) is that the writ petition abated and was subsequently dismissed by the High Court of Karnataka.

The Court's decision was based on the following findings:

Death of the Petitioner: The original petitioner, Bangera R.S., passed away while the petition was pending.

Survival of Cause of Action: The Court held that the cause of action did not survive the death of the petitioner.

Status of the Co-promoter: An impleading applicant sought to continue the case on the grounds that they were a co-promoter of the Society. However, the Court ruled that a co-promoter is not a legal heir, legal representative, or a successor in law.

Final Order: Since the applicant was not a "successor in interest," they could not be brought on record to continue the litigation. Therefore, the petition died with the petitioner.

