

Case: - Amarayya Patrimath v. Registrar of Coop. Societies

Citation: - 2025 SCC OnLine Kar 20563

Link: - <http://www.sconline.com/DocumentLink/M4K7v1yW>

Judgement: - <https://share.google/iLjDqVV5txXENGmQ0>

Conclusion: -

Nature of the Petition

The petitioner, Amarayya Patrimath, filed a Writ Petition under Articles 226 and 227 of the Constitution of India. These articles grant the High Court the power to issue "prerogative writs" (such as Certiorari) to review or quash orders made by lower authorities or government bodies.

The Impugned Orders (What was being challenged)

The petitioner sought a Writ of Certiorari to quash two specific orders:

An order passed by the 1st Respondent (Joint Registrar of Co-operative Societies) dated October 7, 2024.

An order passed by the 2nd Respondent dated June 27, 2024.

While the specific text of those orders is not fully transcribed in this brief dismissal, the petition was centered on a dispute involving election proceedings within a co-operative society.

Key Parties Involved

Petitioner: Amarayya Patrimath.

Respondents: The Joint Registrar of Co-operative Societies and several others (including private respondents numbered 5 through 9).

Court: High Court of Karnataka, Kalaburagi Bench.

The Core Conflict

The petitioner approached the court to challenge the legality or procedures of an upcoming or ongoing election process within the society. However, by the time the matter reached the hearing on October 23, 2025, the counsels for both sides informed the court that the election proceedings had already been completed. This fact rendered the original challenge moot, leading to the case's dismissal as "infructuous."

The conclusion of the case Amarayya Patrimath v. Joint Registrar of Co-Op Societies and Others (2025 SCC OnLine Kar 20563) is as follows:

Final Order

The High Court of Karnataka (Kalaburagi Bench) dismissed the writ petition.

Reasoning

The court determined that the petition had become infructuous. This legal term means that the central issue or grievance of the case had already been resolved or rendered moot by the passage of time or external events.

Specifically:

The counsels for both parties informed the court that the election proceedings, which were being challenged or were at the heart of the writ petition, had already been completed. Since the elections were finished, the court found there was no longer a practical purpose in adjudicating the specific prayers of the petition.

The submission was taken on record by Justice M.G.S. Kamal, and the case was closed without a ruling on the underlying merits of the impugned orders.

Case Name: - Anil v. Recovery Officer & Assistant Registrar of Coop. Societies

Citation: - 2024 SCC OnLine Kar 27616

Link: - <http://www.sconline.com/DocumentLink/75Oe1gb0>

Judgement: - <https://share.google/XvTRPmioE3hVu6lDe>

Conclusion: -

The background of the case Anil v. Recovery Officer and Assistant Registrar of Co-Operative Societies and Another (Writ Petition No. 107791 of 2023) is as follows:

Nature of the Petition

The petitioner, Anil S/o Ningouda Patil (Rukaje), filed a Writ Petition under Articles 226 and 227 of the Constitution of India before the Dharwad Bench of the High Court of Karnataka.

The Impugned Action (What was being challenged)

The petitioner sought a Writ of Certiorari to quash the Auction Notices dated November 8, 2023. These notices were issued by the 1st Respondent (Recovery Officer and Assistant Registrar of Co-Operative Societies, Karnataka State Souharda Samyukta Sahakari Ltd.) in relation to an execution proceeding (E.P No. Krasousamsani/Sa.Sam.Sa.NUV.A.Be/167/2022-23).

Key Parties Involved

Petitioner: Anil, a 36-year-old agriculturist from Nej Village, Chikodi Taluk, Belagavi District.

Respondent No. 1: The Recovery Officer/Assistant Registrar responsible for the auction.

Respondent No. 2: Kuber Multipurpose Shouhard Sahakari Ltd., the cooperative society to which the debt was likely owed.

The Core Conflict

The dispute arose from a debt or liability the petitioner owed to the cooperative society. When the society initiated the recovery process by issuing notices to auction the petitioner's property, the petitioner approached the High Court to halt the sale.

However, during the hearing:

The respondents argued that the petitioner should have followed the statutory appeal process under Section 46 of the Karnataka Souharda Sahakari Act, 1997, rather than filing a writ petition.

The petitioner ultimately admitted the liability and shifted his request from challenging the auction to simply asking for a short accommodation (extra time) to make the payment, leading to the final dismissal with a 30-day grace period.

The conclusion of the case Anil v. Recovery Officer and Assistant Registrar of Co-Operative Societies and Another (2024 SCC OnLine Kar 27616) is as follows:

Final Order

The High Court of Karnataka (Dharwad Bench) dismissed the writ petition, but with a specific provision for the petitioner.

Key Rulings

Maintainability: The court found that the petition was not maintainable because the petitioner had an "effective and efficacious remedy" available under Section 46 of the Karnataka Souharda Sahakari Act, 1997.

Admission of Liability: The petitioner's counsel admitted the liability (the debt or amount owed) and stated that the petitioner did not intend to file an appeal under Section 46, but rather needed more time to clear the dues.

Grace Period: Although the petition was dismissed, the court granted the petitioner 30 days from the date of the order (April 10, 2024) to make the necessary payment in accordance with the law.

Case Name: - Asadkhan Coop. Housing Society Ltd. v. Registrar of Coop. Societies

Citation: - 2024 SCC OnLine Kar 1365

Link: - <http://www.sconline.com/DocumentLink/P7rqaW14>

Judgement: - <https://share.google/0H7Iro3dDtmmaS44h>

Conclusion: -

The background of the case Asadkhan Co-Operative Housing Society Limited v. Deputy Registrar of Co-Operative Societies and Another (Writ Petition No. 108755 of 2016) is centered on a dispute over the production of official records and threatened criminal action.

1. Nature of the Dispute

The petitioners (the Co-operative Housing Society and its Chairman) were being pressured by the Deputy Registrar and other officials to produce specific society records. When they failed to do so, the official respondents issued multiple notices initiating criminal action against the petitioners for non-compliance.

2. The Impugned Notices

The petitioners approached the High Court seeking a Writ of Certiorari to quash three specific notices that threatened these legal consequences:

Notice dated May 24, 2016

Notice dated June 30, 2016

Notice dated October 6, 2016

3. The "Missing" Records (The Core Conflict)

The primary point of contention was why the records weren't produced:

The Petitioners' Argument: They claimed they could not produce the records because the documents were not in their possession; they were in the custody of the police in connection with a criminal case (Crime No. 187/2012).

The Reality of the Records: The court confirmed that because the records were with the police authorities, the petitioners were physically and legally unable to hand them over to the Registrar at that time.

4. Prior Litigation

The background also involves a history of similar legal battles. A previous writ petition (W.P. No. 80895/2013 & 81909/2013) regarding the same issue had already been disposed of by the Court in 2015. Additionally, the criminal case that led to the police seizing the records (Criminal Case No. 478/2013) had been disposed of by the JMFC-IV, Belgaum, in May 2014.

5. Legal Issue

The case turned on whether a citizen or society can be subjected to coercive criminal action for failing to produce documents that are currently held by a government agency (the police). The court ultimately found such coercive action to be improper under those specific circumstances.

The conclusion of the case Asadkhan Co-Operative Housing Society Limited v. Deputy Registrar of Co-Operative Societies and Another (2024 SCC OnLine Kar 1365) is as follows:

Final Order

The High Court of Karnataka (Dharwad Bench) allowed the writ petition.

Key Outcomes

Quashing of Notices: The Court officially quashed three impugned notices issued by the respondents (dated 30.06.2016, 24.05.2016, and 06.10.2016).

Protection Against Coercive Action: The Court ruled that because the records required by the authorities were actually in the custody of the police (due to a separate criminal case), the petitioners could not be held liable for "non-production" of those records.

Liberty to Authorities: While the specific notices were quashed, the Court reserved the liberty for the official respondents to initiate new proceedings. They are permitted to issue fresh notices calling for documents now that the related criminal proceedings have been disposed of, provided they follow the law.

Summary of the Court's Reasoning

The court found it "forthcoming" that the petitioners were being threatened with criminal action for not producing records they physically did not have. Since the records were in police custody at the time the notices were issued, the coercive nature of those notices was legally unsustainable.