

Case Name: - Fakkirappa Basappa Sindagi v. Joint Registrar of Co-Operative Societies

Citation: - 2015 SCC OnLine Kar 4129

Link: - <http://www.sconline.com/DocumentLink/P1f27Awt>

Judgement: -

https://www.sconline.com/print/J_2015_SCC_OnLine_Kar_4129_23090100380_revaeduin_20260430_203249_1_4.pdf

Summary and Conclusion: -

Case Overview: Fakkirappa Basappa Sindagi v. The Joint Registrar of Co-Operative Societies

Date of Decision: January 31, 2015

Court: High Court of Karnataka

Judge: Hon'ble Justice A.N. Venugopala Gowda

Background

The petitioner, Fakkirappa Basappa Sindagi, served as the Secretary of the Shirahatti Taluka Primary School Teachers Co-operative Society. The society had previously been converted into a "Souhardha Sahakari" under the Karnataka Souhardha Sahakari Act, 1997.

The core of the dispute arose from the following events:

The Claim: The petitioner claimed he was owed salary arrears and allowances totaling Rs. 5,66,310/- for the period of 2005 to 2010.

The Regulatory Action: Following a statutory inquiry that revealed continuous losses and alleged financial misconduct (including the petitioner unauthorizedly enhancing his own pay), a proposal was made to wind up the Souhardha Sahakari.

The Reversion: On July 8, 2010, the Joint Registrar (Respondent No. 1) issued an order (Annexure-F) canceling the registration of the Souhardha Sahakari and re-registering it as a Co-operative Society under the Karnataka Co-operative Societies Act, 1959.

The Petition: The petitioner challenged Annexure-F, seeking to quash the order and demanding that the society be liquidated instead. He argued that the re-registration was illegal and deprived him of his right to recover his salary arrears.

Key Legal Issue

The primary question considered by the Court was whether the petitioner's rights or interests were adversely affected by the order re-registering the society as a Co-operative Society, and whether he had the standing (locus standi) to file the writ petition as an "aggrieved person".

Conclusion and Judgment

The High Court dismissed the writ petition, concluding that the petitioner failed to prove any legal injury resulting from the administrative change in the society's status.

Key Findings of the Court:

No Legal Injury: The Court found that the conversion of the Souhardha Sangha into a Co-operative Society did not cause any prejudice to the petitioner. The petitioner's right to claim salary arrears, if valid, remained intact despite the change in the entity's legal registration.

Lack of Standing: Justice Gowda noted that a person cannot "meddle in any proceeding" unless they satisfy the Court that they are an "aggrieved person" who has suffered a legal injury. Since the petitioner was not legally harmed by the re-registration, he had no locus standi to challenge the order.

Alternative Remedy: The Court clarified that if the petitioner wishes to recover his alleged arrears, he must approach the Competent Forum in accordance with the law, rather than seeking to quash the society's registration through a writ petition.

Final Result: The writ petition was dismissed with no order as to costs.

Case Name: - Farooka Begum v. Assistant Registrar of Co-Operative Societies

Citation: - 2015 SCC OnLine Kar 9312

Link: - <http://www.sconline.com/DocumentLink/WL45D8qX>

Judgement: - <https://share.google/Lxpd1nQ0SgN3sIZQK>

Summary and Conclusion: -

Case Summary: Farooka Begum v. Assistant Registrar of Co-Operative Societies

Case Citation: 2015 SCC OnLine Kar 9312

Court: High Court of Karnataka (Dharwad Bench)

Judge: Hon'ble Justice Ashok B. Hinchigeri

Decision Date: August 5, 2015

Background

The petitioner, Farooka Begum, filed a writ petition challenging two specific orders:

An order dated March 3, 2011, issued by the Assistant Registrar of Co-operative Societies (Respondent No. 1), which attached her properties under Section 103 of the Karnataka Co-operative Societies Act, 1959.

An order dated February 8, 2013, passed by the Karnataka Appellate Tribunal (KAT), which confirmed the initial attachment order.

Key Arguments:

Lack of Notice: The petitioner contended that her properties were attached without giving her prior notice and that she was not a party to the underlying dispute.

Procedural Errors: Her counsel argued that the attachment was illegal as surcharge proceedings had not even been initiated.

Ownership: The petitioner claimed she had purchased the lands and her name appeared in the record of rights.

Liability: She asserted she was not liable to repay amounts allegedly misappropriated by her husband (Respondent No. 3).

Respondent's Position:

The government advocate argued that the impugned order was merely a show-cause notice and that the attachment could be lifted if Respondent No. 3 furnished the necessary security.

It was further noted that the petitioner had not provided title deeds to prove how she acquired the property independently of her husband.

Conclusion

The High Court dismissed the writ petition, determining that the challenge was premature.

Key Findings of the Court:

Prematurity of the Petition: The Court found that the attachment order dated March 3, 2011, was not yet confirmed, making the legal challenge premature at this stage.

Record of Rights vs. Title Deeds: The Court observed that while the petitioner's name was in the record of rights, these do not constitute "title deeds". No evidence was placed on record to show the source of her income or how she independently purchased the properties.

Protection of Recovery Rights: The Court stated that the right of the Co-operative Society (Respondent No. 2) to recover misappropriated funds from the husband cannot be defeated simply by the wife claiming ownership without sufficient proof of independent acquisition.

Liberty to Apply: While dismissing the petition, the Court granted the petitioner and her husband the liberty to approach the Assistant Registrar directly. They may furnish security or show the legitimate source of income and acquisition of the properties to satisfy the authority and seek the lifting of the attachment.

Final Order: The petition was dismissed with the aforementioned liberties and observations.