

**Case Name:** -Dattatrey v. Assistant Registrar of Co-Operative Societies

**Citation:** -2019 SCC OnLine Kar 1937

**Link:** -<http://www.sconline.com/DocumentLink/Bx8813y9>

**Judgement:** -<https://share.google/GUKeknGRUASUFGMr3>

**Summary and Conclusion:** -

**Case Title:** Dattatrey S/o Basayya vs. Assistant Registrar of Co-operative Societies & Others  
**Court:** High Court of Karnataka, Dharwad Bench

**Case Number:** Writ Appeal No. 100203/2019 (CS-RES)

**Date of Decision:** September 13, 2019

**Bench:** Hon'ble Mr. Justice S.N. Satyanarayana and Hon'ble Mr. Justice K. Natarajan

### **1. Background of the Appeal**

This appeal was filed under Section 4 of the Karnataka High Court Act, 1961. The appellant, Dattatrey, sought to challenge an earlier judgment and order passed by a single judge in Writ Petition No. 105644/2018 (dated March 13, 2019).

The underlying dispute involved the Assistant Registrar of Co-operative Societies and centered on administrative or regulatory decisions made under the Karnataka Co-operative Societies Act. The appellant felt that the single judge's ruling in 2018 did not serve the interest of justice and equity, leading to the filing of this Writ Appeal to have that order set aside.

### **2. The Proceedings**

During the hearing on September 13, 2019, the legal counsel representing the appellant (Sri S.P. Kandagal) submitted a formal memo to the Court. This memo explicitly requested permission to withdraw the writ appeal, signaling that the appellant no longer wished to contest the previous judgment in a higher court.

### **3. The Conclusion**

The Division Bench of the High Court accepted the request for withdrawal.

The Ruling: "Memo is taken on record. The writ appeal is dismissed as withdrawn."

**Legal Impact:** By withdrawing the appeal, the appellant effectively accepted the ruling of the single judge from the 2018 Writ Petition. This made the lower court's decision final and legally binding on all parties involved, closing the litigation path for this specific dispute.

**Key Takeaway:** -

This case serves as a clear example of the finality of litigation. When a Writ Appeal is withdrawn, it signifies the end of the legal contest, upholding the status quo established by the previous court order. In the context of Co-operative Societies, this highlights the importance of

the initial Writ Petition stage, as those rulings often become the final authority if an appeal is not pursued to its end.

**Case Name:** -Devendrappa v. Assistant Registrar of Co-Operative Societies and Recovery Officer

**Citation:** -2014 SCC OnLine Kar 1443

**Link:** -<http://www.sconline.com/DocumentLink/6tjZ6475>

**Judgement:** -<https://share.google/YqArVUkP09JigALHC>

**Summary and Conclusion:** -

**Case Title:** Devendrappa S/o Hanamappa Walmiki vs. The Assistant Registrar of Co-operative Societies & Others Court: High Court of Karnataka, Dharwad Bench

**Case Number:** Writ Petition No. 78109/2013 (CS-DAS)

**Date of Decision:** January 16, 2014

Judge: Hon'ble Mr. Justice Aravind Kumar

### **1. Background of the Case**

The petitioner, Devendrappa (represented by his GPA holder), filed a Writ Petition against the Assistant Registrar of Co-operative Societies, the Managing Director of KCC Bank (Dharwad), and the Tahashildar (Gadag). The dispute involved a recovery process under Rule 441 of the KCC Bank and administrative actions taken by the Registrar's office regarding local co-operative matters.

The petitioner sought judicial intervention to set aside or stay the recovery proceedings or administrative orders issued by the respondents.

### **2. The Conclusion**

The High Court did not rule on the merits of the case because the situation changed during the litigation process.

**The Ruling:** A "memo" was filed stating that the writ petition had become "infructuous" (meaning the legal issue no longer existed or had been resolved through other means).

**Final Order:** The Court placed the memo on record and officially dismissed the writ petition as infructuous.