

**Case Name:** - Dattatreya v. Registrar of Coop. Societies

**Citation:** - 2024 SCC OnLine Kar 31751

**Link:** - <http://www.sconline.com/DocumentLink/32THyr64>

**Summary and Conclusion:** -

The summary and conclusion of the case Dattatreya v. Assistant Registrar of Co-operative Societies and Others (2024):

**Case Information**

**Citation:** 2024 SCC OnLine Kar 31751

**Court:** High Court of Karnataka (Dharwad Bench)

**Judge:** Hon'ble Justice Jyoti Mulimani

**Decided on:** September 2, 2024

**Nature of Petition:** Writ Petition filed under Articles 226 and 227 of the Constitution of India.

**Case Background & Context**

**Parties Involved:** The petitioner, Dattatreya, filed this challenge against the Assistant Registrar of Co-operative Societies and others. This indicates the dispute originated from an administrative decision or a quasi-judicial order passed by the Co-operative Department.

**Legal Framework:** The petition was filed under Articles 226 and 227 of the Constitution of India. In the context of the Karnataka Co-operative Societies, such writs are typically used to challenge:

- Disqualification of members or directors.
- Administrative inquiries or supersession of a society's board.
- Election-related disputes or recovery certificates issued by the Registrar.

**Timeline:** The petition was filed in 2016 (Writ Petition No. 103955/2016) at the Dharwad Bench. It remained pending for approximately eight years before reaching a final hearing in September 2024.

**Reason for Dismissal**

The background of the case essentially "expired" due to the passage of time. During the hearing on September 2, 2024, the petitioner's counsel made a conscious submission that the matter had become infructuous.

While the specific event isn't named in the order, a case typically becomes infructuous in this legal domain because:

- The term of the board/office in question had already expired.
- A subsequent administrative order or fresh election rendered the 2016 dispute irrelevant.

- The relief sought (such as a stay on an inquiry) was no longer necessary.

Because of this, the court did not delve into the original merits or the "Statement of Facts" regarding the initial 2016 grievance.

### **Conclusion of the Case**

The case did not reach a merit-based judgment on the legal issues involved. Instead, it concluded with a voluntary withdrawal by the petitioner.

**Submission by Petitioner:** The learned counsel for the petitioner, Sri S.P. Kandagal, made a "conscious submission" to the court that the Writ Petition had become infructuous (meaning the issue no longer survived or the relief sought was no longer necessary/attainable).

**Court's Action:** The court placed this oral submission on record.

**Final Order:** The Writ Petition was dismissed as having become infructuous.

The case was closed because the petitioner informed the court that the legal dispute was no longer relevant or active, leading to its formal dismissal without a trial on the facts.

**Case Name:** -Dayananda Thokkottu v. Recovery Officer & Assistan Registrar of Coop. Societies

**Citation:** -2025 SCC OnLine Kar 956

**Link:** -<http://www.scconline.com/DocumentLink/3j08FNjj>

**Summary and Conclusion:** -

### **Case Information**

**Citation:** 2025 SCC OnLine Kar 956

**Court:** High Court of Karnataka (Bengaluru Bench)

**Judge:** Hon'ble Justice Suraj Govindaraj

**Decided on:** June 3, 2025

The background of the case Dayananda Thokkottu v. Recovery Officer and Assistant Registrar of Co-operative Societies (2025) centers on a financial dispute involving debt recovery and the administrative procedures of the Karnataka Co-operative Department.

### **1. Nature of the Dispute**

The petitioner, Dayananda Thokkottu, was facing recovery proceedings initiated by a co-operative society (likely Respondent No. 5, as mentioned in the reliefs). The core issue was the settlement of outstanding dues owed by the petitioner to that society.

## **2. Key Factual Elements**

**The Disputed Communication:** On January 17, 2025, the Assistant Registrar (Respondent No. 2) issued a formal communication (Reference No. 999/2024-2025). While the exact content isn't in the summary, this was likely a recovery notice, an order for the attachment of property, or a direction to the Recovery Officer to proceed with a sale to satisfy the debt.

**The Petitioner's Proposal:** The petitioner submitted a representation on March 22, 2025. In this document, he requested the benefit of a "One-Time Settlement" (OTS).

**The Legal Basis (Rule 38-A):** The petitioner specifically invoked Rule 38-A (13) of the Karnataka Co-operative Rules, 1960. This rule generally deals with the procedure for the sale of mortgaged property and the settlement of dues, providing a framework for how a debtor can resolve their liability before a final auction or sale occurs.

### **Why the Case was Filed**

The petitioner approached the High Court because the Assistant Registrar had seemingly not acted upon the OTS proposal and was moving forward with the recovery process based on the January 2025 communication. He sought to stop that recovery action (Certiorari) and force the authorities to consider his settlement offer (Mandamus).

### **Resolution**

The case didn't need a judicial decision on its merits because, shortly after filing, the petitioner and the respondents successfully negotiated the terms of the settlement. This "out-of-court" resolution fulfilled the petitioner's goal of settling his dues, rendering the legal challenge unnecessary.

### **Final Conclusion**

The case concluded with an out-of-court settlement, leading to the voluntary withdrawal of the petition by the petitioner.

**Reliefs Originally Sought:** A Writ of Certiorari to quash a communication dated January 17, 2025, issued by the Assistant Registrar (Respondent No. 02).

A Writ of Mandamus directing the Assistant Registrar to consider the petitioner's representation dated March 22, 2025, specifically to allow a "One-Time Settlement" (OTS) of dues under Rule 38-A (13) of the Karnataka Co-operative Rules, 1960.

### **The "Memo" of Withdrawal:**

The petitioner's counsel filed a formal memo stating:

"In view of the settlement arrived at between the parties, this writ petition does not survive for consideration and hence may be dismissed as not pressed."

**Final Order:** Based on the fact that the parties reached a settlement regarding the dues, the Court ordered that the petition stands dismissed as not pressed.

In essence, because the petitioner and the Co-operative Society/Registrar agreed on a settlement (likely the "One-Time Settlement" mentioned in the reliefs), the legal intervention of the High Court was no longer required