



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.12325 OF 2024 (GM-KSR)

BETWEEN:

M.R.SANJAY
S/O.M.T.RAMASWAMY GOWDA
AGED ABOUT 54 YEARS
R/AT NO.47/A
36TH 'A' CROSS, 9TH BLOCK
JAYANAGAR
BENGALURU-560 069

...PETITIONER

(BY SRI S.RAJASHEKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
M.S.BUILDING
DR.AMBEDKAR ROAD
VIKASA SOUDHA
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY
2. THE REGISTRAR OF
CO-OPERATIVE SOCIETIES
ALI ASKER ROAD
NEAR RAJ BHAVAN
VASANTH NAGAR
BENGALURU-560 052
3. THE DISTRICT REGISTRAR
REGISTRAR OF CO-OP. SOCIETIES
ZONE-IIL, NO.146
2ND FLOOR, SAHAKARA SOUDHA
8TH CROSS, 3RD MAIN





MARGOSA ROAD
MALLESHWARAM
BENGALURU-560 003

4. COSMOPOLITAN CLUB (REGD.)
22ND CROSS, 3RD BLOCK
JAYANAGAR
BENGALURU-560 011
REP. BY ITS HON. SECRETARY

5. SRI A.N.K.RAJU
PRESIDENT AND RETURNING OFFICER
COSMOPOLITAN CLUB (REGD.)
22ND CROSS, 3RD BLOCK
JAYANAGAR
BENGALURU-560 011

...RESPONDENTS

(BY SRI MAHANTESH SHETTAR, AGA FOR R-1 TO R-3;
SRI JAYAKUMAR S.PATIL, SENIOR COUNSEL FOR
SRI B.S.REDDY AND SMT.M.V.ASHWINI, ADVOCATES FOR
C/R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE COSNTITUTION OF INDIA PRAYING TO
DIRECT THE RESPONDENT NO.3 TO IMMEDIATELY DIRECT
RESPONDENT NO.4 TO WITHDRAW THE ORDER DATED
19.04.2024 SUSPENDING THE PRIMARY MEMBERSHIP OF THE
PETITIONER AS ANNEXURE-C AND ETC.

THIS PETITION COMING ON FOR ORDERS, THIS DAY,
THE COURT MADE THE FOLLOWING:

ORDER

Heard learned counsel for petitioner, learned
Additional Government Advocate for respondent Nos.1 to 3
and Sri Jayakumar S.Patil, learned counsel appearing on
behalf of Sri B.S.Reddy for caveator/respondent No.4.



2. This Court does not find any need to issue notice to respondent No.5.

3. The petitioner being aggrieved by suspension of his membership dated 19.04.2024 passed by the Secretary of respondent No.4-Club vide Annexure-C, seeks a writ of mandamus directing respondent No.3 to direct respondent No.4 to withdraw the said order dated 19.04.2024 suspending the primary membership of petitioner along with two other reliefs.

4. During the course of arguments, learned counsel for petitioner submits that he does not press the prayer as sought in the writ petition mentioned at clause-(a) to (c). But he would be satisfied if the representations at Annexures-G and H are ordered to be considered by respondent No.3 expeditiously.

5. However, learned Senior Counsel vehemently contends that such a relief cannot be granted for a simple reason that the petition itself is not maintainable. Merely



because the statutory authorities or the State are made as parties to the proceedings, the relief cannot be granted as the relief sought for is against the suspension order issued by respondent No.4-Club, which is a private club. Therefore, when there is no relief sought from the State or Agency of the State or statutory authorities, the question of maintainability of writ under Article 226 would arise. Therefore, he seeks dismissal of the writ petition.

6. Considering the submissions of learned counsel for petitioner and learned Senior Counsel appearing on behalf of caveator/respondent No.4, I pass the following:

ORDER

- i) The petition is ***disposed off;***
- ii) Respondent No.3 to consider the representations of the petitioner at Annexures-G and H of even dated 22.04.2024 in accordance with law and pass suitable orders expeditiously;



- iii) Liberty is reserved to the petitioner to challenge the suspension order passed by the Secretary of respondent No.4 before the appropriate forum;
- iv) It is made clear that this Court has not expressed any opinion on the merits of the matter.

**Sd/-
JUDGE**

LB
List No.: 1 Sl No.: 51