

M R Sanjay vs the State of Karnataka

M R Sanjay vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1908408

Court : Karnataka Orders

Decided On : May-02-2024

Judge : Pradeep Singh Yerur

Appeal No. : WP/12325/2024

Appellant : M R Sanjay

Respondent : The State of Karnataka

Judgement :

-1-

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 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

Digitally signed by GAVRIBIDANUR SUBRAMANYA 2. THE REGISTRAR OF GUPTA CO-OPERATIVE SOCIETIES SREENATH Location: HIGH ALI ASKER ROAD COURT OF NEAR RAJ BHAVAN KARNATAKA 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 -2- MARGOSA ROAD MALLESHWARAM BENGALURU-560 003

4. COSMOPOLITAN CLUB (REGD.) 22ND CROSS, 3RD BLOCK 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 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. -3-

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 -4- 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; -5- 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