HC-KAR

NC: 2025:KHC-K:3844
WP No. 201915 of 2025

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO. 201915 OF 2025 (CS-DAS)

BETWEEN:

SMT. SANGEETA
W/O CHANNABASAPPA SIRGOND,
AGE: 44 YEARS, OCC: BUSINESS,
R/O CHANNAVEER NILAYA
NO 9-587/104/105 ALAND ROAD,
J. R.NAGAR, NEAR MALLIKARJUN TEMPLE,
KALABURAGI 585101.

...PETITIONER

(BY SRI. HULEPPA HEROOR, ADVOCATE)

AND:

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY,
   M.S.BUILDINGS, PALACE ROAD,
   BENGALURU-560001.

2. THE ASSISTANT REGISTRAR OF
   CO-OPERATIVE SOCIETIES
   AND RECOVERY OFFICER,
   KARNATAKA STATE CO-OPERATIVE
   BANK FEDERATION LTD.,
   REGIONAL OFFICE No.9/10,
   DOLLARS COLONY, GOKUL ROAD,
   HUBBALLI-580030

3. SRI MALLIKARJUN
S/O BEERAPPA KESARATAGI,
AGE: 57 YEARS, OCC: BUSINESS,
M/S BHOJALINGESHWAR TRADING CO.,
GENERAL MERCHANT AND COMMISSION AGENT,
NEHRU GUNJ, KALABURAGI,
H.No.10, ALAND ROAD, SHIVANAGAR,
KALABURAGI-585101.

…RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER OF PUBLIC AUCTION NOTIFICATION DATED 22-05-2025 IN NO.JRD/UBF/1133/2020-21 IN RESPECT OF PETITIONER PROPERTY (IN THE IMPUGNED ORDER WRONGLY SHOWN AS 122) BEARING STIE NO.112 SURVEY NO.14/1B,5/3,6,13/5,13/6,13/7, VAKKALAGERA, COTTON MARKET, NEHRU GUNJ, KALABURAGI FIXING THE DATE OF AUCTION AS 16-07-2025 AT 12.30 NOON IN THE PREMISES OF SHRI GANESH CO-OPERATIVE BANK LTD. MAIN OFFICE AT NEHRU GUNJ, KALABURAGI ISSUED BY THE 2ND RESPONDENT A COPY OF WHICH IS PLACED AT ANNEXURE-K.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

The case of the petitioner is that her property is brought to sale by respondent No.2-Bank for the default committed by respondent No.3.

2. It is seen that respondent No.2 has acted under the provisions of Karnataka Co-operative Societies Act. If any person is aggrieved, he has got an alternative and efficacious remedy under the said enactment itself.

3. If property which is brought to sale by the Bank is actually owned by the petitioner as contended and if there was no valid mortgage done in favour of the Bank, then it is needless to state that the person purchasing it will not get a valid title over the property and the petitioner is always at liberty to enforce her right by approaching the appropriate forum, in accordance with law.

4. Writ petition is disposed of with the aforementioned observation.

Sd/-
(M.I.ARUN)
JUDGE

VNR
List No.: 1 Sl No.: 32