NC: 2024:KHC:43514
WP No. 17454 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.17454 OF 2023 (CS-RES)

BETWEEN:

THE KADABA PRIMARY AGRICULTURAL,
CO-OPERATIVE SOCIETY LTD.,
THINGALADY, PUTTUR TALUK,
D.K. DISTRICT - 574 221.
REGISTERED UNDER KARNATAKA
CO-OPERATIVE SOCIETIES ACT, 1959,
REPRESENTED BY ITS PRESIDENT,
SRI RAMESH KALPURE,
S/O NARAYA BHAT,
AGED ABOUT 55 YEARS.

...PETITIONER

((BY SRI. MAHAMMED TAHIR A., ADVOCATE FOR;
SRI. VARUN JAYAKUMAR PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF CO-OPERATION,
VIKAS SOUDHA,
BANGALORE - 560 001,
REP. BY ITS SECRETARY.
2. THE REGISTRAR,
CO-OPERATIVE SOCIETIES,
NO.1, ALI ASKER ROAD,
BANGALORE - 560 052.
3. THE ASSISTANT REGISTRAR,
CO-OPERATIVE SOCIETIES,
PUTTUR SUB-DIVISION,
PUTTUR, D. K DISTRICT - 574 259.

...RESPONDENTS

(BY SRI. YOGESH D. NAYAK, AGA FOR R1 TO R3)

Digitally signed by PRAKASH N
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUION OF INDIA PRAYING TO ISSUE A WRIT OF APPROPRIATE NATURE TO DECLARE THAT SEC 129A AND SEC 16(2)(4) AND (8) OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT, 1959 IS ULTRA VIRES TO ARTICLE 19(1)(C), ARTICLE 43B OF THE CONSTITUTION OF INDIA.

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

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

> *"WHEREFORE it is most respectfully prayed that this Hon'ble Court be pleased to:*
>
> *i) Issue a writ of appropriate nature to declare that Section 129A & Section 16(2)(4)&(8) of the Karnataka Co-operative societies Act, 1959 is ultra vires to Article 19(1)(c), Article 43B of the Constitution of India.*
>
> *ii) Issue any writ of certiorari quashing the order dated 17/03/2023 passed Respondent No.2 bearing reference No.RCS/CRD/KME-3/21/2022/23 vide **Annexure B** and so far as the petitioner is concerned.*
>
> *iii) Issue a writ of certiorari quashing the order dated 11/07/2023 passed by Respondent No.2 bearing reference No. RCS/CRD/KME-3/21/2022/23 vide **Annexure E** and so far as the petitioner is concerned.*

iv) Issue any other writ, order or direction as this Hon'ble Court may appropriate, to meet the ends of justice."

2. Learned counsel for the petitioner files a memo dated 29.10.2024, which reads as under:

> *"The petitioner humbly submits as follows:*
> *That, the Petitioner may be permitted to withdraw the above Petition with liberty to file fresh if need arises, in the Interest of Justice and Equity."*

3. Accepting the said memo and submission of the counsel for the petitioner, the petition is ***dismissed as withdrawn.***

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

TMP
List No.: 1 Sl No.: 82