



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR**

**WRIT PETITION NO. 23487 OF 2023 (GM-KSR)**

**BETWEEN:**

1. MRS KANIKA MASAND  
AGED ABOUT 43 YEARS,  
W/O AJAY MASAND,  
FLAT NO.M 112,  
DLF MAIDEN HEIGHTS,  
RAJAPURA, JIGANI-BOMMASANDRA LINK ROAD,  
JIGANI, BANGALORE-560 105.
2. MR SURESH SAINI  
AGED ABOUT 45 YEARS,  
S/O OM RAJ SAINI,  
FLAT NO. F 106, DLF MAIDEN HEIGHTS,  
RAJAPURA, JIGANI-BOMMASANDRA LINK ROAD,  
JIGANI, BANGALORE-560 105.
3. MR MIRZA HASSAN  
AGED ABOUT 58 YEARS,  
S/O S MAIDEEN KUNJU,  
FLAT NO. A 081, DLF MAIDEN HEIGHTS,  
RAJAPURA,  
JIGANI-BOMMASANDRA LINK ROAD,  
JIGANI,  
BANGALORE-560 105.
4. MR FLAVIAN STANISLAUS PATHRIS D'MELLO  
AGED ABOUT 66YEARS,  
S/O LATE JOHN B D'MEEO,  
FLAT NO.L044, DLF MAIDEN HEIGHTS,  
RAJAPURA,  
JIGANI-BOMMASANDRA LINK ROAD,  
JIGANI, BANGALORE-560 105.



...PETITIONERS

(BY SRI. VITTAL B.R., ADVOCATE)



**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF CO-OPERATION,  
ROOM NO.618, 6<sup>TH</sup> FLOOR,  
M S BUILDING, BANGALORE-560 001.
2. THE DEPUTY REGISTRAR OF  
CO-OPERATIVE SOCIETIES  
BANGALORE URBAN ZONE-3,  
NO.146, SAHAKARA SOUDHA,  
8<sup>TH</sup> CROSS ROAD, 3<sup>RD</sup> MAIN,  
MARGOSA ROAD,  
MALLESHWARAM,  
BANGALORE-560 003.
3. MAIDEN HEIGHTS APARTMENT  
OWNERS WELFARE ASSOCIATION (MHAOWA),  
DLF MAIDEN HEIGHTS,  
RAJAPURA, JIGANI HOBLI,  
ANNEKAL,  
BANGALORE-560 105,  
(REPRESENTED BY ITS PRESIDENT)  
REGISTERED UNDER SECTION 3 OF KSRA 1960.

...RESPONDENTS

(BY SRI. N.B. PATIL, AGA FOR R1 & R2;  
VIDE ORDER DATED 14.08.2024, NOTICE TO R3  
IS HELD SUFFICIENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, 1950 PRAYING TO  
QUASH THE REGISTRATION UNDER THE SAID ACT OF R3  
ASSOCIATION AND ITS BYELAWS ISSUED BY THE OFFICE R2  
ENCLOSED AS ANNEXURE-E DATED 18.02.2016 AND F IN  
PAGE NUMBER 125 TO 150 AND ETC.

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



CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

**ORAL ORDER**

The petitioners challenge the registration of the respondent No.3 - Association, and approval of the byelaws under Section 3 of Karnataka Societies Registration Act, 1960 (for short 'Act, 1960').

2. The issue as to whether the apartment owners having formed a society can register the same under the Karnataka Societies Registration Act, 1960 was examined by this Court in the case of **Dr.V Chandrasekar and another -vs- State of Karnataka and another** in **WP No. 22267/2021 : DD 24.7.2024**, wherein this Court placing reliance on much earlier decision of this Court in the case of **VB Celadon Apartment Owner's Assn. v. Praveen Prakash (WA No.974/2019 : DD 06.11.2019)** had held that where dominant objectives of any associations formed by apartment owners or that of vacant residential plots were at variance with the stated objectives under Section 3 of the Societies Act, 1960, such associations cannot be permitted to be registered under the Societie Act, 1960.

3. Therefore, such apartment owners are at liberty to take steps for the formation and registration of an association under Karnataka Cooperative Societies Act, 1959 - the stated objective of which is to facilitate the general welfare of the members of the proposed cooperative society, in accordance with the co-operative principles.



4. In view of the same, I pass the following:

**ORDER**

i) The petition is allowed.

ii) The certificate of registration issued by the respondent No.2 at Annexure-E and the approval of the Byelaws at Annexure-F are hereby quashed.

iii) Liberty is reserved with the Respondent No.3-association to register within two months under the Karnataka Co-operative Societies Act, 1959.

**Sd/-  
(HEMANT CHANDANGOUDAR)  
JUDGE**

BKM