

IN THE HIGH COURT OF KARNATAKA,  
CIRCUIT BENCH AT GULBARGA

DATED THIS THE 31<sup>ST</sup> OF JANUARY 2012

P R E S E N T

THE HON'BLE MR.JUSTICE N.KUMAR

A N D

THE HON'BLE MRS.JUSTICE B.SREENIVASE GOWDA

W.A. NOS. 50046-50047/2012(CS)

BETWEEN:

Mallikarjun Kinagi  
The General Manager,  
Sri. Siddeshwara Co-operative Bank Ltd.,  
S.S. Front Road, Bijapur.

...APPELLANT

(By Sri: Ravindra Reddy, Advocate.)

AND

1. Sri. Ikbal  
S/o Balesaheb Mallad,  
Aged about 60 years,  
Occ: Carpenter, R/o Rahim Nagar,  
Athani Raod, Bijapur.
2. The Assistant Registrar of  
Co-operative Societies,  
Bijapur District, Bijapur.

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3. Sri. Bashir Ahmed  
S/o Gulamhussain Inamdar,  
Age: about 55 years,  
Occ: Contractor,  
R/o Gangabavadi,  
Bijapur.

... RESPONDENTS

THIS W.A. IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED 12-12-2011 PASSED IN WRIT PETITION NO. 82392 AND 83941/2011 (CS) OF THE SINGLE JUDGE.

This appeal is coming on for Orders this day,

**N.KUMAR J.**, delivered the following

#### J U D G M E N T

This appeal is preferred by one Sri Mallikarjun Kinagi challenging the order passed by learned single Judge. The learned Single Judge has observed that there are reasons to believe that 3<sup>rd</sup> respondent namely Mallikarjun Kini (the then Authorised Officer), presently working as General Manager of 2<sup>nd</sup> respondent/bank has abused his official position as the Authorised Officer either to obtain pecuniary advantage to himself or to 4<sup>th</sup> respondent. Further the Additional Registrar General of

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this court was directed to send a copy of this order to the Superintendent of Lokayukta Police at Bijapur for further action in accordance with law.

2. In fact the appeal filed by the auction purchaser as well as the Bank has already been dismissed by this court by considered order. Now this appeal is filed by said Mallikarjun Kinagi. His grievance is that the public auction was held on 11-01-2006, whereas, he was appointed as authorised officer only on 14-08-2006 and he took charge of the post on 23-10-2006 and therefore, the illegality which was noticed by this court cannot be attributed to him.

3. On perusal of copy of the sale auction dated 11-01-2006 the authorised officer was one Sri Ashok M.Ganachari. The learned counsel for appellant has also a filed memo enclosing a death certificate showing that said Ashok Ganachari was died on 18-12-2007. Under these circumstances there is nothing to be decided in an appeal against the said observation. It

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would be proper for the appellant herein i.e.,  
Mallikarjun Kinagi to move the application before  
learned Single Judge who has made that observation  
and point out to him what he has pointed out before us.  
So that appropriate orders will be passed.

4. With these observations the appeal is  
dismissed.

Sd/-  
JUDGE

Sd/-  
JUDGE

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