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Purushothama vs the State of Karnataka

Purushothama vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1642562

Court : Karnataka

Decided On : Feb-28-2025

Judge : K.S. Hemalekha

Appeal No. : WP/69/2025

Appellant : Purushothama

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MRS JUSTICE K.S. HEMALEKHA WRIT PETITION NO. 69 OF 2025 (CS-EL/M) C/W WRIT PETITION NO. 70 OF 2025 (CS-EL/M) IN WP No. 69/2025 BETWEEN:

1. PURUSHOTHAMA S/O NARAYANA AGED 45 YEARS MEMBERSHIP NO. 1728.

2. ANNI SHETTY S/O SESU SHETTY AGED 72 YEARS MEMBERSHIP NO. 1520.

3. SANGEETHA HEDGE W/O SHIVANANDA HEGDE AGED 52 YEARS MEMBERSHIP NO. 1584.

4. SATHISH H

Digitally signed by S/O BABU MADIVALAMAHALAKSHMI B M

COURT OF KARNATAKA

5. SADANANDA SHETTY S/O ANNU SHETTY AGED 53 YEARS MEMBERSHIP NO. 1606.

6. SURESH BHAT S/O NAGAPAYYA BHAT AGED 49 YEARS MEMBERSHIP NO. 1784..

7. PRABHAKAR ACHARYA S/O MONAPPA ACHARYA AGED 45 YEARS -2- MEMBERSHIP NO. 1845.

8. SUNIL BAPAT S/O M G BAPAT AGED 58 YEARS MEMBERSHIP NO. 1873.

9. NARAYANA B S/O ANNI KANNADA AGED ABOUT 65 YEARS MEMBERSHIP NO. 1919

10. RATHNA W/O BABU LINGAYATHA AGED ABOUT 71 YEARS, MEMBERSHIP NO. 1935

11. DHARNAPPA SHETTY S/O SANJEEVA SHETTY AGED ABOUT 54 YEARS, MEMBERSHIP NO. 1936

12. KESHAVA DEVADIGA S/O VENKAPPA DEVADIGA AGED ABOUT 59 YEARS, MEMBERSHIP NO. 2002

13. THRIVKRAMA HEBBAR S/O VENKATESH HEBBAR AGED 64 YEARS MEMBERSHIP NO. 1948.

14. DAYANANDA RAI S/O RAMANNA RAI AGED 58 YEARS MEMBERSHIP NO. 2014.

15. DEVAKI W/O GOPALA DEVADIGA AGED 70 YEARS MEMBERSHIP NO. 2084.

16. CHEENKRA YANE VISHWANATHA DEVADIGA S/O BABU DEVADIGA AGED 72 YEARS -3- MEMBERSHIP NO. 2095.

17. JANRDHANA S/O GIRYAPPA ACHARI AGED 70 YEARS MEMBERSHIP NO. 2104.

18. SUSHEELA W/O JANARDHANA AGED 65 YEARS MEMBERSHIP NO. 2113.

19. LEELAVATHI W/O NONAYYA DEVADIGA AGED 69 YEARS MEMBERSHIP NO. 2156.

20. ISHWARA SHETTY S/O DOMBAYYA SHETTY AGED 89 YEARS MEMBERSHIP NO. 2199.

21. SUGUNA M BHAPAT W/O MURALIDHARA BAPAT AGED 79 YEARS MEMBERSHIP NO. 2217.

22. SATHYA SHANKAR BHAT S/O GOPALAKRISHNA BHAT AGED 58 YEARS MEMBERSHIP NO. 2219.

23. GIRISH S/O PADMANABHA DEVADIGA AGED 51 YEARS MEMBERSHIP NO. 2266.

24. MOHAN HEGDE S/O VENKGAPPA HEGDE AGED 59 YEARS MEMBERSHIP NO. 2394.

25. VANAJA K SAMANI W/O KRISHNA SAMANI AGED 67 YEARS -4- MEMBERSHIP NO. 2397.

26. UMAVATHI W/O SADANANDA DEVADIGA AGED 73 YEARS MEMBERSHIP NO. 2398.

27. VIRENDRA POOJARY S/O RAMA POOJARY AGED 63 YEARS MEMBERSHIP NO. 2428.

28. SUNDARI W/O NANDU SHETTY AGED 79 YEARS MEMBERSHIP NO. 2459.

29. VASANTHA DEVADIGA S/O SUNDARA DEVADIGA AGED 50 YEARS MEMBERSHIP NO. 2504.

30. YOGISH SHETTY S/O NARAYANA SHETTY AGED 56 YEARS MEMBERSHIP NO. 2526.

31. BHAVANI K S/O SHANKARA HEBBAR AGED 61 YEARS MEMBERSHIP NO. 2639.

32. SUBRAMANYA NAVADA S/O BALAKRISHNA NAVADA AGED 32 YEARS MEMBERSHIP NO. 2653.

33. JAGADISH HEGDE S/O VENKAPPA HEGDE AGED 58 YEARS MEMBERSHIP NO. 2679.

34. KORAGAPPA S/O MONTA MOOLYA AGED 57 YEARS -5- MEMBERSHIP NO. 2685.

35. RAGHURAMA SHETTY S/O POOVAPPA SHETTY AGED 73 YEARS MEMBERSHIP NO. 2694.

36. CHANDAPPA S/O MONTA MOOLYA AGED ABOUT 52 YEARS MEMBERSHIP NO. 2714

37. JAYANTHI W/O KRISHNAPPA MOOLYA AGED ABOUT 50 YEARS MEMBERSHIP NO.2772

38. ANITHA HEGDE D/O ANNI HEDGE AGED ABOUT 47 YEARS MEMBERSHIP NO. 2779

39. GOVINDA BHAT S S/O SUBRAYA BHAT S AGED ABOUT 78 YEARS MEMBERSHIP NO. 664

40. K.K. KUMARAN S/O K.V KRISHNAN AGED ABOUT 71 YEARS MEMBERSHIP NO. 1828

41. MURALI .B S/O GOPALAKRISHNA BHAT AGED ABOUT 61 YEARS MEMBERSHIP NO. 2001.

42. MALLIKA W/O NAVEENA MADIVALA AGED ABOUT 46 YEARS MEMBERSHIP NO. 2498.

43. HEMAVATHI W/O SADANANDA HEGDE AGED ABOUT 78 YEARS -6- MEMBERSHIP NO. 2515

44. LAXMANA S/O ANNU SAPALYA AGED ABOUT 49 YEARS MEMBERSHIP NO. 2688

45. LALITHA W/O KORAGAPPA AGED ABOUT 51 YEARS MEMBERSHIP NO. 2716

46. SEETHA W/O NARAYANA SHETTY AGED ABOUT 75 YEARS MEMBERSHIP NO.2749

47. LAKKANNA RAI S/O CHIKKAPPA RAI AGED ABOUT 67 YEARS MEMBERSHIP NO. 279

48. CHINNAYYA NAIKA S/O CHOKA NAIKA AGED ABOUT 64 YEARS MEMBERSHIP NO.861

49. SHASHIDHARA SALIYAN S/O VINAYACHANDRA AGED ABOUT 55 YEARS MEMBERSHIP NO. 1590

50. JAYARAMA S/O BABU SAPALYA AGED ABOUT 47 YEARS MEMBERSHIP NO. 1696

51. SANDESH S/O VEERAPPA POOJARY AGED ABOUT 48 YEARS MEMBERSHIP NO. 1631.

52. SANJEEVA POOJARY S/O BELIAPPA POOJARY AGED ABOUT 67 YEARS -7- MEMBERSHIP NO. 2744

53. JINNAPPA GOWDA S/O BABU GOWDA AGED ABOUT 77 YEARS MEMBERSHIP NO. 1748.

54. LAKSHMANA POOJARY S/O KUNYAPPA POOJARY AGED ABOUT 61 YEARS MEMBERSHIP NO. 1765

55. VASU GOWDA S/O THYAMPA GOWDA AGED ABOUT 82 YEARS MEMBERSHIP NO. 1876

56. YAMUNA W/O SANJEEVA GOWDA AGED ABOUT 55 YEARS MEMBERSHIP NO.1986

57. PADMA NAIKA S/O SANKAPPA NAIKA AGED ABOUT 58 YEARS MEMBERSHIP NO. 2055

58. KRISHNAPPA POOJARY S/O NAKKURA POOJARY AGED ABOUT 62 YEARS MEMBERSHIP NO. 2093.

59. THANIYAPPA S/O AITHA AGED ABOUT 63 YEARS MEMBERSHIP NO. 2117

60. YASHODHARA S/O DUGGA MALEKUDIYA AGED ABOUT 58 YEARS MEMBERSHIP NO. 2209

61. GURUNATH GOWDA S/O JARAPPA GOWDA AGED ABOUT 30 YEARS -8- MEMBERSHIP NO. 2455

62. JANAKI W/O SESAPPA POOJARY AGED ABOUT 55 YEARS MEMBERSHIP NO. 2499

63. RAJU GOWDA S/O VASU GOWDA AGED ABOUT 58 YEARS MEMBERSHIP NO.2507

64. PREMA W/O KRISHNAPPA MOOLYA AGED ABOUT 49 YEARS MEMBERSHIP NO. 2509

65. HEMALATHA W/O VINAYA AGED ABOUT 38 YEARS MEMBERSHIP NO. 2553

66. SANJEEVA NAIKA S/O BABU NAIKA AGED ABOUT 51 YEARS MEMBERSHIP NO. 2564

67. POOVAPPA GOWDA S/O KITTANNA GOWDA AGED ABOUT 53 YEARS MEMBERSHIP NO. 2596

68. KUSAPPA GOWDA S/O BOMMANNA GOWDA, AGED ABOUT 51 YEASR, MEMBERSHIP NO. 2647

69. MALATHI W/O CHANDRASHEKARA AGED ABOUT 55 YEARS MEMBERSHIP NO. 2649 -9-

70. NARAYANA MOOLYA S/O AITHAPPA MOOLYA AGED ABOUT 60 YEARS MEMBERSHIP NO. 2676

71. PRAKASH S/O NONAYYA POOJARY AGED ABOUT 40 YEARS MEMBERSHIP NO. 2678

72. KRISHNAPPA S/O MUTHAPPA GOWDA AGED ABOUT 54 YEARS MEMBERSHIP NO. 2764

73. GOPALA GOWDA S/O KUNJIRA GOWDA AGED ABOUT 55 YEARS MEMBERSHIP NO. 2332

74. NONAYYA S/O LOKAYYAMOOLYA AGED ABOUT 49 YEARS MEMBERSHIP NO. 2348

75. RANJITH S/O NEMI POOJARY AGED ABOUT 26 YEARS MEMBERSHIP NO. 2364

76. KRISHNA BHAT M S/O GOVINDAHEBBAR AGED ABOUT 81 YEARS MEMBERSHIP NO. 199

77. HAREESHSA KUMAR M S/O ANANTHARAMA BHAT AGED ABOUT 59 YEARS MEMBERSHIP NO. 847

78. P. H. PRAKASH SHETTY S/O NARAYANA SHETTY AGED ABOUT 58 YEARS MEMBERSHIP NO. 837 - 10 -

79. PREMALATHA N SHETTY W/O P.H NITHYANANDA SHETTY AGED ABOUT 67 YEARS MEMBERSHIP NO. 1910

80. TUKARAMA S/O BABU POOJARY AGED ABOUT 43 YEARS MEMBERSHIP NO. 2038

81. SHAVEENA S/O SOMANATHA BANGERA AGED ABOUT 55 YEARS MEMBERSHIP NO. 2056

82. ANANDA MOOLYA S/O THIMMA MOOLYA AGED ABOUT 58 YEARS MEMBERSHIP NO. 2145

83. SANKETH S/O SADANANDA BANGERA AGED ABOUT 32 YEARS MEMBERSHIP NO. 2250

84. PRAVEENA P SHETTY W/O P.H.PRAKASH SHETTY AGED ABOUT 72 YEARS MEMBERSHIP NO. 2265

85. THARANATHA C/O YAMUNA AGED ABOUT 40 YEARS MEMBERSHIP NO. 2370

86. KANTHAPPA MALEKUDIYA S/O MONTA MALEKUDIYA AGED ABOUT 62 YEARS MEMBERSHIP NO.2644

87. PAVITHRA W /O NARAYANA POOJARY AGED ABOUT 72 YEARS MEMBERSHIP NO. 2656 - 11 -

88. SHRILATHA U SHETTY W/O UDAYA KUMAR AGED ABOUT 45 YEARS MEMBERSHIP NO. 2758.

89. KUMARA CHANDRA S/O BABY BANGERA AGED ABOUT 37 YEARS MEMBERSHIP NO. 2331

ALL ARE MEMBERS OF SULKERI-MOGRU PRIMARY AGRICULTURAL CREDIT CO-OPERATIVE SOCIETY LTD., A SOCIETY REGISTERED UNDER KARNATAKA CO-OPERATIVE SOCIETIES ACT 1959. SHIRLALU VILLAGE, BELTHANGADY TALUK D.K DISTRICT-574217. PETITIONERS (BY SRI. DHANANJAY KUMAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF CO-OPERATION, M.S BUILDING, BANGALORE-560 001, REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE STATE CO-OPERATIVE ELECTION AUTHORITY, 3RD FLOOR,TTMC A BLOCK,K.H ROAD, SHANTHINAGAR, BANGALORE-560 027 REPRESENTED BY ITS SECRETARY.

3. SULKERI - MOGRU PRIMARY AGRICULTURAL

CREDIT CO-OPERATIVE SOCIETY LTD., A SOCIETY REGISTERED UNDER KARNATAKA CO-OPERATIVE SOCIETIES ACT 1959, SHIRLALU VILLAGE, BELTHANGADY TALUK, D.K DISTRICT-574217 REPRESENTED BY ITS CEO. - 12 -

4. THE RETURNING OFFICER SULKERI-MOGRU PRIMARY AGRICULTURAL CREDIT CO-OPERATIVE SOCIETY LTD., SHIRLALU

VILLAGE, BELTHANGADY TALUK, D.K DISTRICT-574217 RESPONDENTS

(BY SRI.YOGESH D NAIK, AGA FOR R1 AND R4, SRI. T L KIRAN KUMAR, ADVOCATE FOR R2, SRI. DEEPAK S SHETTY, ADVOCATE FOR R3) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO INCLUDE THE NAME OF THESE PETITIONERS IN THE FINAL ELIGIBLE VOTERS LIST AND PERMIT THE PETITIONERS TO CAST THEIR VOTES IN THE UPCOMING ELECTIONS OF THE R-3 SOCIETY WHICH IS SCHEDULED TO BE HELD ON 08.01.2025. IN WP NO. 70 OF 2025 BETWEEN:

1. VASANTH POOJARY S/O. GIRIYAPPA POOJARY AGED ABOUT 62 YEARS MEMBER NO. 372

2. BABU A S/O. KATADA HARIJANA AGED ABOUT 57 YEARS MEMBER NO. 1471

3. HASANABBA S/O. KUNYALLI BEARY AGED ABOUT 70 YEARS MEMBER NO. 1846

4. SOORYANARAYANA S S/O. THIMMAPPA D AGED ABOUT 76 YEARS MEMBER NO. 1882

5. SANTHOSH S/O. KRISHNAPPA POOJARY AGED ABOUT 40 YEARS - 13 - MEMBER NO. 2481

6. DAMODHARA S/O. MODANKILA AGED ABOUT 45 YEARS MEMBER NO. 2545

7. SANJEEVA S/O. KARIYA AGED ABOUT 53 YEARS MEMBER NO. 2549

8. SMT. LAKSHMI W/O. CHANDRASHEKAR AGED ABOUT 46 YEARS MEMBER NO. 2556

9. MAYABBA S/O. IBRAHIM BEARY AGED ABOUT 68 YEARS MEMBER NO. 2581

10. MYMUNA W/O. ASHRAF AGED ABOUT 42 YEARS MEMBER NO. 2582

11. SATHISH DEVADIGA S/O. RAMA DEVADIGA AGED ABOUT 52 YEARS MEMBER NO., 2616

12. SMT. CHANDRAVATHI W/O. KORAGA MALEKUDIYA AGED ABOUT 67 YEARS MEMBER NO. 2625

13. PRAKASH W/O. NONAYYA POOJARY AGED ABOUT 38 YEARS MEMBER NO. 2678

14. NEELAMMA W/O. LOKAYYA POOJARY AGED ABOUT 68 YEARS - 14 - MEMBER NO. 2680

15. NARAYANA POOJARY S/O. ANNU POOJARY AGED ABOUT 53 YEARS MEMBER NO. 2761

16. BIRMANA S/O. DHARNAPPA POOJARY AGED ABOUT 56 YEARS MEMBER NO. 2506

17. K. ASHRAF S/O. IBRAHIM BEARY AGED ABOUT 48 YEARS MEMBER NO. 2566

18. HUSSEIN S/O. ABDUL RAHIMAN AGED ABOUT 55 YEARS MEMBER NO. 2567

19. MOHAMMAD HANEEF S/O. MOIDDINBEARY AGED ABOUT 45 YEARS MEMBER NO. 2573

20. ASIYAMMA W/O. ABOOBAKKAR AGED ABOUT 37 YEARS MEMBER NO. 2574

21. FRANCIS VEGUS S/O. DENIYA VEGUS AGED ABOUT 48 YEARS MEMBER NO. 1691

22. NEBISA W/O. HASSEINAR AGED ABOUT 45 YEARS MEMBER NO. 2576

23. JUBEIDA S/O. HAMEED AGED ABOUT 51 YEARS - 15 - MEMBER NO. 2577

24. ANANDA POOJARY S/O. GURUVAPPA POOJARY AGED ABOUT 58 YEARS MEMBER NO. 2245

25. PASCAL PINTO S/O. SEBASTIAN PINTO AGED ABOUT 65 YEARS MEMBER NO. 2245

26. SURESH S/O. SHIVAYYA POOJARY AGED ABOUT 51 YEARS MEMBER NO. 2291

27. DEEKAYYA POOJARY S/O. NARNA POOJARY AGED ABOUT 62 YEARS MEMBER NO. 2309

28. PUTTHUMONU S/O. HAJABBA AGED ABOUT 52 YEARS MEMBER NO. 2568

29. GEETHA W/O. KRISHNPPA KOTIAN AGED ABOUT 55 YEARS MEMBER NO. 2783

30. LALITHA W/O. DEJAPPA POOJARY AGED ABOUT 75 YEARS MEMBER NO. 2226

31. LEELAVATHI B SALIAN W/O. BABI SALIAN AGED ABOUT 70 YEARS MEMBER NO. 851

32. GANGADHARA M S/O. BIRMANA POOJARY AGED ABOUT 62 YEARS - 16 - MEMBER NO. 883

33. THOMAS S/O. GEORGE AGED ABOUT 70 YEARS MEMBER NO. 1041

34. PRASANNA KUMAR K S/O. JINARAJA POOVANI AGED ABOUT 64 YEARS MEMBER NO. 1225

35. CHANDRASHEKAR BHAT S/O. DATTATREYA BHAT AGED ABOUT 75 YEARS MEMBER NO. 1675

36. THUNGAMMA W/O. DAKAYYA POOJARY AGED ABOUT 90 YEARS MEMBER NO. 792

37. UMESH S/O.ANNI MADIVALA AGED ABOUT 44 YEARS MEMBER NOL. 1984

38. BOMMAYAMADIVALA S/O.SUBBA MADIVALA AGED ABOUT 71 YEARS MEMBER NO. 2039

39. GIRIJA W/O. KARIYA POOJARY AGED ABOUT 69 YEARS MEMBER NO. 2239

40. ASHWATH S/O. DHARNAPPA POOJARY AGED ABOUT 27 YEARS MEMBER NO. 2464

41. SAHANA W/O.GANGADHARA M AGED ABOUT 51 YEARS - 17 - MEMBER NO. 2418

42. RAJU MOOLYA W/O. BABU MOOLYA AGED ABOUT 58 YEARS MEMBER NO. 2624

43. JANAKI W/O.PIJINA POOJARY AGED ABOUT 68 YEARS MEMBER NO. 2771

44. OLWYN D SOUZA S/O. PAUL D SOUZA AGED ABOUT 45 YEARS MEMBER NO. 2081

45. CHANDRARAJ JAIN S/O. SHANTHIRAJ AJILA AGED BOUT 80 YEARS MEMBER NO. 1854

46. ANGARA S/O. PARDESHI D AGED ABOUT 65 YEARS MEMBER NO. 1884

47. KORAGU S/O. GUDDA AGED ABOUT 55 YEARS MEMBER NO. 1895

48. SUBHASH S.O BEBI SALIAN AGED ABOUT 40 YEARS MEMBER NO.1903

49. JEESHAN V P S/O V J PAPACHCHAN AGED ABOUT 38 YEARS MEMBER NO.2433

50. DHARNAMMA W/O. SHANKAR KOTIAN AGED ABOUT 60 YEARS - 18 - MEMBER NO. 2476

51. BIJU MATHEW S/O V J MATHEW AGED ABOUT 46 YEARS MEMBER NO.1924

52. NORBERT MASCARENHAS S/O BABLI MASCARENHAS AGED ABOUT 56 YEARS MEMBER NO.1979

53. YASHODHARA S/O PIJINA POOJARY AGED ABOUT 65 YEARS MEMBER NO.2413

54. VASU MOOLYA S/O CHANDU MOOLYA AGED ABOUT 52 YEARS MEMBER NO.2058

55. TOMY JECOB S/O CHACKO AGED ABOUT 65 YEARS MEMBER NO.2068

56. KESHAVATHI W/O POOVAPPA SALIAN AGED ABOUT 55 YEARS MEMBER NO.2077

57. DINAKARA POOJARY S/O SANJEEVA POOJARY AGED ABOUT 55 YEARS MEMBER NO.2123

58. ALBERT DSOUZA S/O ROBERT DSOUZA AGED ABOUT 55 YEARS MEMBER NO.2180

59. ELYAPPE W/O BABU - 19 - AGED ABOUT 64 YEARS MEMBER NO.2203

60. PETER FRANCIS PINTO S/O JOPSEPH PINTO AGED ABOUT 57 YEARS MEMBER NO.2213

61. PRAKASH KOTIAN S/O ANNI POOJARY AGED ABOUT 47 YEARS MEMBER NO.2395

62. PRADEEP S/O. SMABHU AGED ABOUT 24 YEARS MEMBER NO.2247

63. THOMAS LOBO S/O ZORA LOBO AGED ABOUT 58 YEARS MEMBER NO.2277

64. VINU MATHEW S/O V J MATHEW AGED ABOUT 40 YEARS MEMBER NO.2310

65. NONAYYA S/O HUKRA AGED ABOUT 51 YEARS MEMBER NO.2324

66. RAGHU S/O SAMMAPPA AGED ABOUT 36 YEARS MEMBER NO.2338

67. PRAMEETHA PAIS S/O JOHN PAIS AGED ABOUT 32 YEARS MEMBER NO.2376 - 20 -

68. SARAMMA W/O HAMMED AGED ABOUT 54 YEARS MEMBER NO.2575

69. KINNIGA S/O PURALLA AGED ABOUT 65 YEARS MEMBER NO.393

70. ELIUS S/O APOLIAN AGED ABOUT 68 YEARS MEMBER NO.747

71. UMMAKKA W.O DHARMANA POOJARY AGED ABOUT 68 YEARS MEMBER NO.873

72. BABU POOJARY S/O LINGAPPA POOJARY AGED ABOUT 54 YEARS MEMBER NO.1619

73. NARAYANA POOJARY S/O LINGAPPA POOJARY AGED ABOUT 70 YEARS MEMBER NO.1620

74. KUSUMAVATHI W/O ANNI DEVADIGA AGED ABOUT 67 YEARS MEMBER NO.1688

75. SUNEETHA W/O CHANDAYY MADIVALA AGED ABOUT 59 YEARS MEMBER NO.1739

76. PADMAVATHI W/O OBAYYA DEVADIGA AGED ABOUT 64 YEARS MEMBER NO.1816 - 21 -

77. GANESH POOJARY S/O KRISHNAPPA POOJARY AGED ABOUT 51 YEARS MEMBER NO.2179

78. GANESH POOJARY S/O ANNI POOJARY AGED ABOUT 49 YEARS MEMBER NO.2224

79. THANGACHCHAN T P S/O PILIPOSE AGED ABOUT 59 YEARS MEMBER NO.2251 80 LISSI W/O THANGACHCHAN AGED ABOUT 52 YEARS MEMBER NO.2252

81. H RAJESH ANCHAN S/O NARYANA BANGERA AGED ABOUT 55 YEARS MEMBER NO.2636

82. APOLION DSOUZA W/O PAUL DSOUZA AGED ABOUT 58 YEARS MEMBER NO.2637

83. SMT. PAVITHRA W/O NARAYANA POOJARY AGED ABOUT 42 YEARS MEMBER NO.2656

84. RAMA DEVADIGA S/O MANJAPPA MOILY AGED ABOUT 70 YEARS MEMBER NO.2720

85. CHELUVAYYA POOJARY S/O GANGANA POOJARY AGED ABOUT 74 YEARS MEMBER NO.1743 - 22 -

86. YAVARAJ JAIN S/O NAGARAJ BANGA AGED ABOUT 57 YEARS MEMBER NO.2320

87. SUNANDA W/O JEEVANDHAR JAIN AGED ABOUT 59 YEARS MEMBER NO.2726

88. SULEIMAN S/O ABOOBAKKAR AGED ABOUT 55 YEARS MEMBER NO.1777

89. KESHAVATHI W/O POOVAPPA SALIAN AGED ABOUT 49 YEARS MEMBER NO.2077

90. JITTI THOMAS S/O K M THOMAS AGED ABOUT 56 YEARS MEMBER NO.2120

91. BOOBA S/O KURUMBILA AGED ABOUT 57 YEARS MEMBER NO.2229

92. ABBAS S/O ABDUL RAHIMAN AGED ABOUT 54 YEARS MEMBER NO.2340

93. RAMANANDA POOJARY S/O NARNAPPA POOJARY AGED ABOUT 62 YEARS MEMBER NO.2390

94. SRIDHAR BANGERA S/O NARNAPPA POOJARY AGED ABOUT 58 YEARS MEMBER NO.2421 - 23 -

95. SONY A J W/O. CHACKO JOSEPH AGED ABOUT 49 YEARS MEMBER NO. 2423

96. MOHAMMAD SHAFI S/O H UNJNI AGED ABOUT 56 YEARS MEMBER NO.2471

97. RAYMOND VEIGUS S/O HENRY VEIGUS AGED ABOUT 56 YEARS MEMBER NO.2660

98. PRAVEENA S/O SHAMBU AGED ABOUT 38 YEARS MEMBER NO.2674

99. SEFIYA W/O ASHRAF AGED ABOUT 42 YEARS MEMBER NO.2700

100. NAVEEN VEIGUS S/O HENRY VEIGUS AGED ABOUT 48 YEARS MEMBER NO.2717

101. RAJANI W/O RAMANANDA AGED ABOUT 44 YEARS MEMBER NO.2715

ALL ARE MEMBERS OF SULKERI-MOGRU PRIMARY AGRICULTURAL CREDIT CO-OPERATIVE SOCIETY LTD., A SOCIETY REGISTERED UNDER KARNATAKA CO-OPERATIVE SOCIETIES ACT 1959. SHIRLALU VILLAGE, BELTHANGADY TALUK D.K DISTRICT-574217 ...PETITIONERS (BY SRI. RAKSHITH KUMAR.,ADVOCATE) - 24 - AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF CO-OPERATION, M S BUILDING, BANGALORE-560001, REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE STATE CO-OPERATIVE ELECTION AUTHORITY, 3RD FLOOR,TTMC A BLOCK,K.H ROAD, SHANTHINAGAR, BANGALORE-560 027 REPRESENTED BY ITS SECRETARY.

3. SULKERI - MOGRU PRIMARY AGRICULTURAL

CREDIT CO-OPERATIVE SOCIETY LTD., A SOCIETY REGISTERED UNDER KARNATAKA CO-OPERATIVE SOCIETIES ACT 1959, SHIRLALU VILLAGE,BELTHANGADY TALUK, D.K DISTRICT-574217 REPRESENTED BY ITS CEO.

4. THE RETURNING OFFICER SULKERI-MOGRU PRIMARY AGRICULTURAL CREDIT CO-OPERATIVE SOCIETY LTD., SHIRLALU VILLAGE, BELTHANGADY TALUK, D.K DISTRICT-574217 ...RESPONDENTS

(BY SRI. YOGESH D NAIK,AGA FOR R1 AND R4, SRI. T L KIRAN KUMAR, ADVOCATE FOR R2, SRI. DEEPAK S SHETTY, ADVOCATE FOR R3) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DIRECT THE RESPONDENTS TO INCLUDE THE NAMES OF THESE PETITIONERS IN THE FINAL ELIGIBLE VOTERS LIST AND PERMIT THE PETITIONERS TO CAST THEIR VOTES IN THE UPCOMING ELECTIONS OF THE R-3 SOCIETY WHICH IS SCHEDULED TO BE

HELD ON 08.01.2025.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

- 25 - CORAM: HON'BLE MRS JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioners in both the petitions are seeking for the following prayers:- "Issue a writ of mandamus directing the Respondents to include the names of the Petitioners in the final eligible voters list and permit the Petitioners to cast their votes in the upcoming elections of the Respondent No.3 Society which is scheduled to be held on 08.01.2025.

2. This Court by way of an interim arrangement on 07.01.2025 permitted the petitioners to cast their votes in the ensuing election scheduled on 08.01.2025 subject to final outcome of these petitions.

3. Heard Sri Dhananjay. Kumar, learned counsel

for the petitioners in W.P.No.69/2025 and Sri Rakshith Kumar, learned counsel for the petitioners in W.P.No.70/2025, Sri Yogesh D. Naik, learned AGA for respondent Nos.1 and 4, Sri T.L. Kiran Kumar, learned - 26 - counsel for respondent No.2 and Sri Deepak S. Shetty, learned counsel for respondent No.3.

4. Counsel for the petitioners submits that the election has been held as scheduled on 08.01.2025 and the petitioners have cast their votes.

5. Reiterating various contentions raised in the

writ petition, it is mainly urged that no individual notice is issued to the petitioners while the names of the petitioners are excluded in the final voters list and the respondents have acted against mandate requirement of Rule 13-D (2- A) of the Karnataka Co-Operative Societies Rules, 1960 (the Rules for short). It is urged that the petitioners should be treated as eligible voters and their votes to be counted as valid votes.

6. Learned counsel for respondent No.3-Society

fairly submits that the Society has not followed the mandatory requirement of the aforementioned Rules and - 27 - cast votes of the petitioners to be included while counting and the results to be announced.

7. It is brought to the notice of this Court that

under identical circumstances, the Co-Ordinate Bench of this Court in the case of H.S. Raju and others Vs. State of Karnataka and others1 (H.S. Raju) has permitted the votes to be counted and election results to be announced, keeping open all contentions to be adjudicated in the appropriate forum under Section 70 (2)(c) of the Karnataka Co-Operative Societies Act, 1959 (the Act for short). Whether the petitioners would incur any disqualification to vote or not is a question of fact to be decided by the appropriate authority under Section 70 (2)(c) of the Act and hence, the following:

ORDER

i. Writ petitions are disposed of. ii. The Returning Officer to count the votes, including the votes cast by petitioners and 2022 (4) AKR 775 - 28 - announce the results of the election, which was scheduled on 08.01.2025. iii. Aggrieved party is entitled to raise a

> dispute under Section 70 (2)(c) of the Act, if raised a dispute under the said provision, questioning the eligibility of the petitioners to vote in the election to the Board of the respondent No.3- society, the said dispute shall be decided without being influenced by the interim order granted by this Court and it is made clear that granting of an interim order in favour of the petitioner would not give any finding on the eligibility of the petitioners to vote in the election of the Board of respondent No.3-society.

iv. The eligibility of the petitioners to vote in the election is kept open to be decided in a dispute, if any, raised in this regard. v. If any such dispute relating to the eligibility of the petitioners to vote in the election to the Board of the respondent No.3-society is raised, the effect of holding the petitioners ineligible to vote and excluding such votes, on the final outcome of the election results - 29 -

shall also be taken into account before passing the final orders. vi. The vote cast by the petitioners shall be kept in a separate sealed box after counting. vii. This Court has not expressed any merits or demerits of the ineligibility of the

petitioners. Sd/- _____ JUSTICE K.S. HEMALEKHA YKL List No.: 2 Sl No.: 11

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