

Niranjan. G vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Mar-27-2025

Judge : Suraj Govindaraj

Appeal No. : WP/152/2025

Appellant : Niranjan. G

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ WRIT PETITION NO. 152 OF 2025 (CS-EL/M) BETWEEN: NIRANJAN. G S/O GOPAL V AGED ABOUT 37 YEARS R/AT 1143/1 4TH CROSS, KABIR ROAD MANDI MOHALLA MYSORE 570002 PETITIONER (BY SRI. DEVI PRASAD SHETTY.,ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMETN OF CO OPERATION
M S BUILDING DR. B R AMBEDKAR VEEDHI BENGALURU 560 001

REPRESENTED BY ITS PRINCIPLE SECRETARY Digitally signed by
SHWETHA

RAGHAVENDRA

2. THE STATE CO OPERATIVE ELECTION COMMISSION

KARNATAKA SHANTHI NAGAR BANGALORE 560 027

REPRESENTED BY ITS SECRETARY

3. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES/DISTRICT
ELECTION OFFICER PALACE OFFICE MYSORE 570 001

4. RETURNING OFFICER APPOINTED FOR THE MYSORE CO
OPERATIVE BANK LTD GANDHI SQUARE, MYSORE 570 001 -2-

5. THE MYSORE CO OPERATIVE BANK LTD GANDI SQUARE
MSYROE 570 001 REPRESENTED BY ITS CHIEF EXECUTIVE
OFFICER (REGISTERED UNDER KARNATAKA CO-OPERATIVE
SOCIETIES ACT, 1959) RESPONDENTS (BY SRI. YOGESH D NAIK.,
AGA FOR R1,R3 & R4; SRI. T.L. KIRAN KUMAR., ADVOCATE FOR R2;
R5-SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A
WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER
DATED 25/10/2024

VIDE NO. DRN/CHUNAVANE/CR-121/2024-25 IS HEREWITH
PRODUCED AS ANN-F AND ETC. THIS WRIT 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. This Court by way of various interim orders had

permitted the petitioner who is declared to be ineligible voter to cast his vote in the
election of the Society, subject to the result of the writ petition and that the vote

cast by the petitioner shall be kept in separate ballot box.

2. A Coordinate Bench of this Court in the case of

H.S.Raju vs. State of Karnataka & others¹ has W.P.No.8502/2022 dated 7.6.2022 -3- after considering the matter in detail come to a categorical conclusion that any irregularity in the conduct of election a petition under Article 226 of the Constitution of India would not be the proper remedy any dispute as regards the eligibility or ineligibility and the deficiencies in finalization of final electoral list, could only be considered in a dispute raised as regard the election under Section 70 (2) of the Karnataka Co-operative Societies Act, 1959 after the announcement of the results by counting even the vote cast by the petitioner.

3. The said judgment not having been challenged and having attained finality, the fact being more or less similar would equally apply to the present matter.

4. In that view of the matter, I pass the following:

ORDER

i. The Writ Petition is disposed of. ii. The Returning Officer is directed to announce the result within seven days of the receipt of a -4- copy of this order by taking into account the vote cast by the petitioner in the above matter. iii. In the event of any proceeding being filed in relation to the results of the election under Section 70 (2) of the Karnataka Co-operative Societies Act, 1959, all the contentions raised herein and any that may be raised are left open for consideration in accordance with the applicable law, this Court has not expressed any opinion on those issues. iv. The vote cast by the petitioner which had been directed to be kept in separate box shall continue to be retained in a separate box until the disposal of the dispute if any raised within the time frame prescribed. SD/- (SURAJ GOVINDARAJ)
JUDGE SR, List No.: 1 SI No.: 70