

A Manjunath vs the State of Karnataka

A Manjunath vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1648099

Court : Karnataka Orders

Decided On : Feb-01-2025

Judge : K.S. Hemalekha

Appeal No. : WP/970/2025

Appellant : A Manjunath

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE
HON'BLE MRS JUSTICE K.S. HEMALEKHA WRIT PETITION NO. 970
OF 2025 (CS-EL/M) BETWEEN:

1. A. MANJUNATH, S/O LATE ANJINAPPA, AGED ABOUT 55 YEARS,
NO.111, PILLEKAMMA TEMPLE STREET, AMRUTHAHALLI,
SAHAKARA NAGAR, SHARE A/C NO.13/1
2. HARISH R.,

S/O RAMANJANAPPA D., AGED ABOUT 40 YEARS, NO.360, KASHI NAGARA,
Digitally signed by SAHAKARANAGARA POST, MAHALAKSHMI B M Location:
HIGH BENGALURU - 560 092 COURT OF SHARE A/C NO.74/3 KARNATAKA

3. D KRISHNAMURTHY S/O DODDAKALLAPPA, AGED ABOUT 50 YEARS,
NO.1100, AMRUTHAHALLI CIRCLE, SHARE A/C NO.55/2 -2-

4. Y RAJANNA,

S/O V YELLAPPA, AGED ABOUT 63 YEARS (SENIOR CITIZEN NOT CLAIMED)
NO.21/1, D RAJAGOAPAL ROAD, BEHIND MATHRU GAS, NAGASHETIHALLI,
SANJAYA NAGARA, BENGALURU - 560094

5. SRINIVASACHAR, S/O AGED ABOUT 39 YEARS, NO.166/3,
AMRUTHAHALLI,

6. V CHANDRAKALA, W/O B S HARISH BABU, AGED ABOUT 46 YEARS,
NO.539, MUNIGURAPPA LAYOUT,

7. N SRINIVAS, S/O LATE NANJUDAPPA, AGED ABOUT 55 YEARS, R/AT
NO.117, NEAR PEELEKAMMA TEMPLE, -3- SHARE A/C NO.61/3

8. BALARAJU, S/O B MUNISHAMAPPA, AGED ABOUT 65 YEARS, (SENIOR
CITIZEN NOT CLAIMED) NO.42, NEAR ELLAMMA TEMPLE,

9. RAJU, S/O DASAPPA, AGED ABOUT 52 YEARS, EASHWARA TEMPLE
ROAD, PILLAPPA LAYOUT, SHARE A/C NO.13/1

10. MANJUNATHA, S/O PAPANNA, AGED ABOUT 35 YEARS, NO.276,
JANATHA COLONY, LAKSHMINARAYANSWAMY ROAD,

11. MANJULA R., W/O KEMPARAJU, AGED ABOUT 36 YEARS, -4- SHARE A/C
NO.60/3

12. LOKESH M., S/O MUNIKEMPAIAH, AGED ABOUT 42 YEARS, NO.123,
MUNISHWARA NILAYA,

13. ANJALI, W/O RAVI, AGED ABOUT 42 YEARS, NO.282, KEMPAMMA LAYOUT, SHARE A/C NO.13/2
14. RANGANATHA, S/O VENKATARAMANA, AGED ABOUT 35 YEARS,
15. AMBIKA T., W/O MUTHAPPA M., AGED ABOUT 55 YEARS, NO.304, GANGAMMA TEMPLE, -5- SHARE A/C NO.127/3
16. VENKATARAMU C., S/O CHIKKA VENKATAPPA, AGED ABOUT 40 YEARS, NO.377, NEAR TEMPLE,
17. G VIJAYAKUMAR, S/O G GOVINDASWAMY, AGED ABOUT 58 YEARS, NO.38, KALLAPPA LAYOUT,
18. BHARATAMMA, W/O NARAYANASWAMY, AGED ABOUT 39 YEARS, NO.05, BEHIND TEMPLE, SHARE A/C NO.38/2
19. RAJU, S/O DASAPPA, AGED ABOUT 55 YEARS, NO.22/B, AMRUTHAHALLI, -6-
20. BYATAPPA, S/O KRISHNAPPA, AGED ABOUT 54 YEARS, NO.260, ASHRAMA ROAD, SHARE A/C NO.32/1
21. K V RAGHVENDRA, S/O KRISHNAPPA, AGED ABOUT 45 YEARS, NO.115, NYATAPPA COMPOUND, GANGAMMAGUDI ROAD, SHARE A/C NO.7/1
22. SIDDALINGA, S/O PAPANNA, AGED ABOUT 55 YEARS, NO.283, GANGAMMA TEMPLE ROAD, SHARE A/C NO.170/2
23. RAGHUNATH M., S/O MUNIYAPPA D., AGED ABOUT 37 YEARS, NO.386, LAKSHMINARAYANA TEMPLE ROAD, -7- SHARE A/C NO.200/2
24. V SRIRAMAIAH, S/O VENKATARAMAIAH, AGED ABOUT 59 YEARS, KRISHNAPPA LAYOUT,
25. JAYARAMA K., S/O CHIKKAKEMPAIAH, AGED ABOUT 43 YEARS, NO.122, SHARE A/C NO.115/3

26. PRAKASH K., S/O CHIKKAKEMPAIAH, AGED ABOUT 45 YEARS, NO.122, ASHWATHAKATTE ROAD, SHARE A/C NO.116/3
27. APPAYYANNA, S/O MUNISHAMAPPA, AGED ABOUT 59 YEARS, NO.309, KASHI NAGARA, -8- SHARE A/C NO.46/2
28. S SAMAPATH KUMAR, S/O M S SHANTHARAJU, AGED ABOUT 55 YEARS, NO.19, 3RD FLOOR, SHOBHA APARTMENT, JAKKURU MAIN ROAD,
29. RAVI, S/O MUNIKRISHNAPPA, AGED ABOUT 50 YEARS, NO.282, KEMPANNA LAYOUT, SHARE A/C NO.12/2
30. ANASUYAMMA, W/O KEMPANNA, AGED ABOUT 42 YEARS, NO.496, MUNIGURAPPA LAYOUT, 1ST MAIN ROAD, 2ND CROSS, SHARE A/C NO.39/2 -9-
31. K DEVARAJU, S/O LATE KRISHNAPPA, AGED ABOUT 59 YEARS, NO.549, DEVARAJU LAYOUT, SHARE A/C NO.143/1
32. SAROJAMMA, W/O RAMANJANAPPA, AGED ABOUT 47 YEARS, NO.153, NEAR YELLAMMA TEMPLE, SHARE A/C NO.158/3
33. NAGAMMA, W/O CT THIMMAIAH, AGED ABOUT 42 YEARS, 386, KALLAPPA LAYOUT,
34. APPAYYANNA, S/O RAMAIAH, AGED ABOUT 52 YEARS, NO.54, JAKKURU LAYOUT, BENGALURU-560 092 SHARE A/C NO.36/1 - 10 -
35. YASHODAMMA, W/O B JAYARAM, AGED ABOUT 50 YEARS,
36. V MUNISWAMY, S/O VENKATAPPA, AGED ABOUT 53 YEARS, NO.283, 3RD CROSS, VENKATAPPA LAYOUT, SHARE A/C NO.87/1
37. KANTHAMMA, W/O GURAPPA, AGED ABOUT MAJOR, NO.205, BEHIND SCHOOL,
38. CHANDRASHEKAR S., S/O SHYAMANNA, AGED ABOUT 35 YEARS, NO.92, GANGAMMA TEMPLE ROAD, - 11 -

39. SUDHA, W/O MALLESHAPPA, AGED ABOUT 50 YEARS, NO.14/1, MUNIGURAPPA LAYOUT, SHARE A/C NO.156/2
40. NARAYANA M., S/O MUNIRAJAPPA, AGED ABOUT 55 YEARS, SHARE A/C NO.153/2
41. VENKATAMMA, S/O GOVINDAPPA, AGED ABOUT 59 YEARS, NO.78, GANGAMMA TEMPLE ROAD,
42. ROOPAMMA, W/O BYATAPPA, AGED ABOUT 48 YEARS, NO.260, ASHRAMA ROAD, SHARE A/C NO.32/1 - 12 -
43. M KRISHNAMURTHY, S/O MUNIYAPPA, AGED ABOUT 59 YEARS, NO.160, MUNIGURAPPA LAYOUT, SHARE A/C NO.65/3
44. SURESH M., S/O MUNIVENKATAPPA, AGED ABOUT 50 YEARS, NO.33/2, KALLAPPA LAYOUT KASHI NAGAR,
45. V BABITHA, W/O MUNISWAMY, AGED ABOUT 47 YEARS, R/AT NO.283, 3RD CROSS, VENKATESHAPPA LAYOUT, SHARE A/C NO.136/1
46. GEETHA K N, W/O LAKSHMIPATHY, AGED ABOUT 46 YEARS, NO.550, MARUTHIFARM HOUSE, AMRUTHA NAGAR, - 13 - SHARE A/C NO.21/1
47. SUSHEELAMMA, W/O MUSAHANUMAIAH, AGED ABOUT 55 YEARS SHARE A/C NO.43/1
48. A VIJAYAKUMAR, S/O APPAIAH, AGED ABOUT 56 YEARS, R/AT NO.20,
49. L VINU, S/O LAKSHMAN, AGED ABOUT 50 YEARS, NO.58, PRASANNA BUILDING, WATER TANK ROAD, SHARE A/C NO.5/1
50. PADMAVATHI, W/O C SRINIVAS, AGED ABOUT 59 YEARS, NO.19, JAKKURU MAIN ROAD, - 14 -
51. CHIRANJEEVI, S/O THIPPIAH, AGED ABOUT MAJOR, NEAR KATERAMMA TEMPLE, SHARE A/C NO.180/2

52. THOTA MUNIYAPPA, S/O LATE DODDA VENKATAPPA, AGED ABOUT 59 YEARS, R/AT NO.386, LAKSHMINARAYANSWAMY TEMPLE ROAD, SHARE A/C NO.163/1

53. SHANKAR G., S/O GOVINDASWAMY, AGED ABOUT 59 YEARS, NO.13, SRINDA NILAYA, 1ST CROSS, VINAYAKA STREET, NEAR PADMA TENT, SHARE A/C NO.38/1

54. GOWRAMMA B.S., W/O VENKATESH A., AGED ABOUT 55 YEARS, R/AT NO.42, TANUSH NILAYA, - 15 - SUBRAMANI BLOCK,

55. MUNIRAJU, S/O MUNISHAMAPPA, AGED ABOUT 52 YEARS, NO.78/2, AMRUTHA NAGAR, A SECTOR,

56. SUBBAMMA, W/O LATE EESHWARA DAS PRASAD, AGED ABOUT 72 YEARS (SENIOR CITIZEN NOT CLAIMED), R/AT SHIVASHANKARA BUILDING, SNEHA NAGAR, 2ND CROSS,

57. BAGAVANTHA RAO, S/O LATE SIDDOJIRAO, AGED ABOUT 55 YEARS, MUNIBATTAPPA NILAYA, KASHI NAGARA, AMRUTHAHALLI, - 16 -

58. SUNIL KUMAR A.M., S/O MUNIKRISHNAPPA, AGED ABOUT 38 YEARS, NO.157,

59. ASHWATHA NARAYANA, S/O D V NARAYANAPPA, AGED ABOUT MAJOR, NO.192/1, SHRI RAMKRIPA, NEAR MARAMMA TEMPLE,

60. A N MURALIKANTH, S/O M NAGARAJ, AGED ABOUT 40 YEARS, NO.283-E, 8TH CROSS, VARADARAJU LAYOUT, SHARE A/C NO.52/2

61. K BHAGYA, W/O PRASANNA KUMAR, AGED ABOUT 55 YEARS, NO.160, NEAR OLD GOVT SCHOOL, - 17 - SHARE A/C NO.125/2

62. T KUMAR, S/O THIMMAIAH, AGED ABOUT MAJOR, NO.196/1, KALLAPPA LAYOUT, SHARE A/C NO.119/2

63. M KODANDARAMA, S/O MUNIVENKATAPPA, AGED ABOUT 59 YEARS, NO.24, GOVINDAPPA LAYOUT, SHARE A/C NO.94/2
64. T RAJU, S/O THIMMAIAH, AGED ABOUT 59 YEARS, NO.80, ASWATHAKATTE ROAD, SHARE A/C NO.115/2
65. MUNIRAJAPPA, S/O MUNISHAMAPPA, AGED ABOUT 59 YEARS, NO.83/1, NEAR GANGAMMA TEMPLE, - 18 -
66. G SATHYANARAYANA S/O G VISHWANATH GUPTA, AGED ABOUT 59 YEARS, NO.142, BEHIND GOVT SCHOOL,
67. SARASWATHAMMA, W/O T P LAKSHMINARAYANA, AGED ABOUT 58 YEARS, NO.GK KRISHNAPPA BUILDING, DODDAMMA TEMPLE ROAD, OPP ASHWATHAKATTE,
68. K T VENKATESH, S/O THIMMIAH, AGED ABOUT MAJOR, NO.56, OPP SBI., SHARE A/C NO.131/2
69. SUBBA LAKSHMAMMA, W/O VENKATESH, AGED ABOUT 47 YEARS, NO.32, NEAR MARAMMA TEMPLE, - 19 - SHARE A/C NO.6/2
70. SUVARNAMMA, S/O GANGAIAH, AGED ABOUT 59 YEARS, NO.46/1, TIGALARA BEEDI, SHARE A/C NO.62/3
71. RAVIKUMAR M., S/O MUNIRAJU, AGED ABOUT 55 YEARS, TANK ROAD, BEHIND VINAYAKA PROVISION STORE,
72. VIJAY M HOODI, S/O MUNISWAMY N. AGED ABOUT 35 YEARS, NO.1, HOODI LAYOUT, SHARE A/C NO.28/3
73. MAMATHA, S/O MALAPPA, AGED ABOUT MAJOR, - 20 -
74. CHANDRASHEKAR S., S/O SRIRAMAPPA K., AGED ABOUT 45 YEARS, NO.534, AMRUTHAHALLI,
75. SOMASUNDARAN A., S/O MELUKUTTANAYAR, AGED ABOUT 45 YEARS, NO.10, 2ND CROSS,

76. SHRIDHAR V., S/O VENKATARAYAPPA, AGED ABOUT 48 YEARS, NEAR MARAMMA TEMPLE, SHARE A/C NO.100/3
77. ASHWATH, S/O KONDAPPA, AGED ABOUT 59 YEARS, NEAR KETERAMMA TEMPLE, - 21 - SHARE A/C NO.109/3
78. MAHADESHWARAN, S/O CHINNASWAMY, AGED ABOUT 45 YEARS, NO.20, 1ST MAIN ROAD,
79. V NAGARAJ, S/O VENKATARAJU, AGED ABOUT 52 YEARS, NO.50, GANGAMMA LAYOUT,
80. SUBRAMANI K, S/O KRISHNAPPA AGED ABOUT 58 YEARS, NO.17/8, SRIVARU NILAYA, NEAR GANGAMMA TEMPLE, SHARE A/C NO.42/1
81. NAVEENA H., S/O HEMANTH KUMAR, AGED ABOUT 26 YEARS, NO.316, SUBBAMMA NILAYA, KASHI NAGARA, - 22 -
82. N RAVISHANKAR, S/O NANJAPPA, AGED ABOUT 45 YEARS, NO.01, SHRI SWARNABHA NILAYA,
83. K KEMPANNA, S/O LATE KEMPAIAH, AGED ABOUT MAJOR, NO.110, DODDAMMA ROAD,
84. NIRMALA, W/O PRAKASH, AGED ABOUT 55 YEARS, NO.E 83/3 NEAR KATERAMMA TEMPLE ROAD,
85. M MUNIRAJU, S/O MUNIYAPPA, AGED ABOUT 59 YEARS, - 23 - NO.248, ASHWAMEDA ROAD,
86. RAVISHANKAR S., S/O SRINIVASA D., AGED ABOUT 55 YEARS, NO.71, 1ST B CROSS, MUDIGURAPPA LAYOUT,
87. A M GOVINDARAJU, S/O LATE MUNISHAMAPPA, AGE ABOUT 50 YEARS, NO.292, GANGAMMANAGUDI ROAD, SHARE A/C NO.112/2
88. CHIKKAKARIYAPPA, S/O KALLAPPA, AGED ABOUT 49 YEARS, NO.362, 4TH CROSS, KALLAPPA LAYOUT, SHARE A/C NO.106/1

89. B N MADANAGOPALA, S/O NARASIMHA REDDY, - 24 - AGED ABOUT 55 YEARS, NO.13, 4TH CROSS, KALLAPPA LAYOUT, AMRUTHAHALLI,
90. KALAVATHI, W/O C MANJUNATH, AGED ABOUT 55 YEARS, CHIKKANNA LAYOUT,
91. SRINIVASA D., S/O LATE VENKATAPPA, AGED ABOUT 65 YEARS, (SENIOR CITIZEN NOT CLAIMED) NO.71, 1ST CROSS, MUNIGURAPPA LAYOUT
92. D SARAVANA, S/O DORESWAY, AGE MAJOR, NO.895, BNGARAPPA COLONY, - 25 -
93. PARVATHAMMA, W/O V MUNISHAMAPPA, AGED ABOUT MAJOR, NO.7, NEAR YELLAMMA TEMPLE,
94. INDRAMMA R., W/O SRINIVAS, AGED ABOUT 55 YEARS, NO.1, EEARAPPA BUILDING, BEHIND GOVT SCHOOL,
95. RATHNAMMA, W/O NARAYANAPPA, AGED ABOUT MAJOR, NO.254-4,
96. NARENDRA KUMAR, S/O SHANTAHRAJU, AGED ABOUT MAJOR, NO.E 311/5, DANDU CHIKKANNA LAYOUT, JAKKURU MAIN ROAD, - 26 - SHARE A/C NO.199/1
97. JAYAKUMAR N., S/O NAVANEETHAM, AGED ABOUT 49 YEARS, NO.156/E, YELLAPPA BUILDING, VINAYAKA STREET,
98. LAKSHMIPATHY, S/O KARIYAPPA, AGED ABOUT 57 YEARS, NO.550, MARUTHIFARM HOUSE, SHARE A/C NO.15/2
99. PRADEEP M., S/O MUNIKALLAPPA, AGED ABOUT 36 YEARS, NO.E-313/5, DANDU CHIKKANNA LAYOUT, OPP AXIS HOSPITAL,
100. MUNIYAMMA, W/O RAMAIAH, AGED ABOUT 56 YEARS, - 27 - NO.10, TIGALARA BEEDI, SHARE A/C NO.140/2

101. H VENKATESH, S/O HARIYAPPA, AGED ABOUT 59 YEARS, NO.42, DANUSH NILAYA, SUBRMANYA BLOCK, 3RD CROSS A SECTOR, AMRUTHANAGAR,

102. RAJESHWARI, W/O NANDAPPA, AGED ABOUT 56 YEARS, NO.19, PILLANNA LAYOUT, SHARE A/C NO.172/1

103. N CHANNAKESHVA, S/O HK NARAYANAPPA, AGED ABOUT 49 YEARS, NO. E -178, KESHAVAL NILAYA, KALLAPPA LAYOUT, SHARE A/C NO.20/3 - 28 -

104. K.V. SAVITHRAMMA, W/O AG SRINIVASAMURTHY, AGED ABOUT 56 YEARS, NO.26, DANDU CHIKKANNA LAYOUT, SHARE A/C NO.11/3

105. RAMAVATHI, W/O A G RAGHURAMAIAH, AGED ABOUT 59 YEARS, NO.70, BAJANE MANE, SHARE A/C NO.152/2

106. MUNI ANJANAPPA, S/O VENKATARAMANAPPA, AGED ABOUT 50 YEARS, NO.546, JANANTHA COLONY,

107. G K KRISHNAPPA, S/O GANGAPPA, AGED ABOUT 59 YEARS, NO.146, NEAR MARAMMA TEMPLE, - 29 -

108. M RAMACHANDRAIAH, S/O MUNIRAMAIAH, AGED ABOUT 59 YEARS, NO.92, NEAR MARAMMA TEMPLE, SHARE A/C NO.164/2

109. A V MALLESHA, S/O EERAPPA, AGED ABOUT 59 YEARS, NO.14-1, MUNIGURAPPA LAYOUT,

110. M LAGUMAPPA, S/O MUNIYAPPA, AGED ABOUT 59 YEARS, NO.E 70, TIGALARA BEEDI, SHARE A/C NO.148/2

111. ANAND L., S/O LATE LAKHMAN, AGED ABOUT 39 YEARS, NO.35, MUNIGURAPPA LAYOUT, SHARE A/C NO.24/3 - 30 -

112. L RAVI, S/O LAKSHMAN, AGED ABOUT 38 YEARS, NO.35, MUNI GURAPPA LAYOUT, 1ST CROSS, AMRUTHAHALLI,

113. MANJUNATHA B.K., S/O KENCHAPPA, AGED ABOUT 45 YEARS, NO.8, PILYAKAMMA TEMPLE ROAD, SHARE A/C NO.12/3
114. GOVINDARAJU, S/O NARAYANASWAMY, AGED ABOUT 46 YEARS, SRIRAMPURA MAIN ROAD, SHARE A/C NO.3/1
115. SHIVAJI RAO N., S/O NARAYANA RAO, AGED ABOUT 45 YEARS, NO.52, HOYSALA LAYOUT, 4TH CROSS, - 31 -
116. SUSHEELA, W/O RAVI R L., AGED ABOUT 43 YEARS, NO.13, 2ND CROSS, MUNIGURAPPA LAYOUT,
117. MANJUNATHA M., S/O MUTHAPPA M., AGED ABOUT 35 YEARS NO.304, GANGAMMA TEMPLE,
118. SIDDAPPA, S/O LATE RAMAIAH AGED ABOUT MAJOR, NO.481, JANATHA COLONY,
119. CHIKKAMARIYAMMA, W/O M MUNIRAJU, AGED ABOUT 59 YEARS, R/AT 250, JANATHA COLONY - 32 - SHARE A/C NO.127/01
120. MUTHAPPA, S/O MUNISHAMAPPA, AGED ABOUT 68 YEARS, (SENIOR CITIZEN NOT CLAIMED) NO.304, NEAR GANGAMMA TEMPLE,
121. LEELAVATHI. W/O UMESH M., AGED ABOUT 42 YEARS,, NO.304, GANGAMMA TEMPLE, SHARE A/C NO.130/3
122. UMESH M., S/O MUTHAPPA, AGED ABOUT 33 YEARS NO.304, GANGAMMA TEMPLE,
123. NATARAJ V N., S/O NARASIMHEGOWDA, AGED ABOUT 45 YEARS, NO.98, 1ST MAIN ROAD, - 33 - GANGAMMA LAYOUT,
124. KANAKARAJU, S/O LATE KENCHAPPA, AGE ABOUT 58 YEARS, NO.222, SHARE A/C NO.120/1
125. GANGARATHNA V N, W/O SRINIVASA D., AGED ABOUT 49 YEARS, NO.71, 1ST CROSS, MUNIGURAPPA LAYOUT SHARE A/C NO.144/1

126. NANDAPPA, S/O ADIMOORTHY AGED ABOUT 59 YEARS, NO.19, PILLANNA LAYOUT, SHARE A/C NO.171/1
127. LOKESH N., S/O NAGARAJU, AGED ABOUT 38 YEARS, - 34 - NO.233, JANATHA COLONY,
128. SUKANYA, W/O VENKATESH, AGED ABOUT 52 YEARS, NO.241, JANATHA COLONY, 1ST MAIN ROAD, 2ND CROSS ROAD,
129. ARUN M HOODI, S/O MUNISWAMY N. AGED ABOUT 40 YEARS, NO.1, HOODI LAYOUT, SHARE A/C NO.9/3
130. VIJAYA A., W/O RANGANATH, AGED ABOUT 53 YEARS, NO.145, NEAR MARAMMA TEMPLE, - 35 -
131. BASAVARAJU B S/O H BALARAJU, AGE ABOUT 45 YEARS, R/AT NO.161, 4TH CROSS, MUNIGURAPPA LAYOUT SHARE A/C NO.39/1-541
132. A P VENKATESH S/O PILLANANJAPPA, AGE ABOUT 52 YEARS, R/AT AMRUTHAHALLI, SHARE A/C NO.56/1
133. SHANTHAMMA W/O AP VENKATESH AGE 49 YEARS, R/AT AMRUTHAHALLI, SHARE A/C NO.55/1 PETITIONERS (BY SRI. ARUN KUMAR Y H., ADVOCATE) AND:
1. THE STATE OF KARNATAKA DEPARTMENT OF CO-OPERATION, M S BUILDING, BANGALORE-560 001, REPRESENTED BY ITS PRINCIPAL SECRETARY. - 36 -
2. THE STATE CO-OPERATIVE ELECTION AUTHORITY, 3RD FLOOR, TTMC A BLOCK, K.H.ROAD, SHANTHINAGAR, BANGALORE-560027, REPRESENTED BY ITS SECRETARY.
3. BYATARAYANAPURA PRIMARY AGRICULTURAL CREDIT CO OPERATIVE SOCIETY LTD., REPRESENTED BY ITS CEO. A SOCIETY REGISTERED UNDER KARNATAKA CO-OPERATIVE SOCIETIES

ACT 1959. BYATARAYANAPURA, BELLARI ROAD, YELAHANKA TALUK, BENGALURU - 560092

4. THE RETURNING OFFICER, BYATARAYANAPURA PRIMARY AGRICULTURAL CREDIT CO OPERATIVE SOCIETY LTD., BYATARAYANAPURA, BELLARI ROAD, YELAHANKA TALUK, BENGALURU-560092

RESPONDENTS (BY SRI. YOGESH D NAIK, AGA FOR R1 AND R4; SRI. T.L. KIRAN KUMAR, ADVOCATE FOR R2; SRI. T. DADAKHALANDAR, ADVOCATE FOR R3) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO INCLUDE THE NAMES OF THE PETITIONERS IN THE FINAL ELIGIBLE VOTER LIST AT ANNEXURE-C AND PERMIT THE PETITIONERS TO CAST THEIR VOTE IN THE UPCOMING ELECTIONS TO R-3 SOCIETY WHICH IS SCHEDULED TO BE HELD ON 19.01.2025 IN SO FAR AS THE PETITIONERS ARE CONCERNED AND ETC. - 37 - THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MRS JUSTICE K.S. HEMALEKHA

ORAL ORDER

Petitioners are seeking to direct respondents to include the names of petitioners in the eligible voters list and permit the petitioners to cast their votes in the election of respondent No.3-Society, which was scheduled to be held on 19.01.2025.

2. This Court, by way of interim arrangement on

17.01.2025, permitted the petitioners to cast their votes in the ensuing elections scheduled to be held on 19.01.2025 to the Board of Directors of respondent No.3-Society subject to the final outcome of this writ petition.

3. The challenge in these writ petitions is on the premise that notice under Rule 13 of the Karnataka Co- Operative Societies Rules, 1960 (the KCS Rules, 1960 for short) is not issued. - 38 -

4. Rule 13-D of the KCS Rules, 1960 reads as under:

13-D. Preparation of electoral rolls and calendar of events.-(1) Election Officer shall, after due verification, send a consolidated list of all co-operative societies in the district where elections are due at least 120 days before the date of expiry of the term of office of the boards to the Co-operative Election Authority indicating therein the following particulars.-

- (a) the name and address of the society;
- (b) number of elected directors of the board;
- (c) the date of expiry of the term of office of the board;
- (d) the proposed places where the elections are to be held or other particulars as required by the Co-operative Election Authority.

(2) The Co-operative Election Authority

shall, on receipt of such reports from the Election Officer, containing the list of cooperative societies where elections are due, publish the calendar of events for the preparation of electoral rolls and the conduct of elections of the boards of the co- operative societies indicating the name and address of each society. - 39 -

(2-A) The election officer shall take steps for publication of voter list who are not eligible to vote in the following manner, namely.-

- (i) For publication of draft ineligible electoral list,

the chief executive of every cooperative Society shall prepare notice in respect of members not attending three out of the last five annual general body, meetings and members not utilising such minimum services or facilities in a co-operative year as specified in the bye-laws for three consecutive co- operative years.

(ii) The chief executive of every co-operative

society shall send above prepared notice to all ineligible members, fifteen days prior to six months to the date of election of the board by registered post and an opportunity shall be given to such member to file their objections, if any within fifteen days from the date of notice.

(iii) The chief executive of every co-operative

society shall submit the list of ineligible voters to the election officer along with their objections and also produce the records pertaining to absence from general body meeting with attendance and services utilised by members. He has to produce the records for having sent the notice along with - 40 - acknowledgement to the election officer within thirty days from the date of notice as specified by the election officer.

(iv) The chief executive of every cooperative

society shall state in his notice that the ineligible voter can appear before the election officer between thirty days to sixty days from the date of notice to get the remedy. v) The election officer has to hear and dispose the objections filed by the ineligible voters within sixty days from the days of submission of objections from such voters.

(vi) The final list of ineligible voters shall be published on or before fifteen clear days prior to the date of election.

(3) The Election Officer shall take steps for publication of voters list in the following manner, namely.-

(a) for publication of draft eligible list, a list of defaulters, a list of members whose repayment falls due, before the election date clear fifty days;

(b) for calling objections, if any, calling upon the defaulter members to repay the amounts due to the co-operative societies on or before thirty clear days prior to the date of election; - 41 -

(c) the scrutiny and verification of the voters list after payment by defaulters etc., clear twenty days before the date of election;

(d) for publication of final eligible voters list before fifteen clear days prior to the date of election.

(4) It shall be the duty of every society to furnish correct information required by the Election Officer to enable him to approve the electoral rolls as directed by the Co-operative Election Authority.

(5) The chief executive of every cooperative society shall prepare (i) a draft list of the

eligible members or representatives and delegates with right to vote, (ii) a list of members whose repayments will fall due before the date fixed for publication of final electoral roll, (iii) a list of defaulters, (iv) a list of other members or representatives and delegates who are not eligible to vote at a general election indicating the reasons for ineligibility memberwise on the basis of entries in the updated membership register specifying,-

(a) the name of the member or representative, the admission number, the name of the parent or husband and the address of such member or representative in the case of an individual member; - 42 -

(b) the admission number, the name of the society, the name of the delegate proposed to represent the society in the case of a member society,

and submit the said lists to the Election Officer along with the related books, records and documents and any other information as the Election Officer may require, at least sixty days before the date of election.

(6) The Co-operative Election Authority shall call upon the Chief Executive of the co-operative

society to obtain from the member society, the name of an authorised member of the board of such society as a delegate, together with the resolution of the board of the said society and the specimen signature along with the photograph of the

delegate duly attested and bearing the seal of the society and furnish all such information under sub-rule (5).

(7) The final electoral roll shall consist of the following,-

(a) all the individual members with right to vote in respect of a primary co-operative society; or - 43 -

(b) all the individual members and the delegates of the members societies with right to vote in respect of a secondary co-operative society; or

(c) all the delegates of the member societies with right to vote in respect of a federal and an apex society.

(8) The copy of such electoral roll in respect of each society shall be kept open for inspection in the office of such society as also in the office of the Election Officer.

(9) The election calendar of events for general election of directors of the board shall provide for.-

(a) date of notification inviting nomination;

(b) last date for receipt of nomination;

(c) date and time for scrutiny of nomination;

(d) date and time for publication of list of validly nominated candidates;

(e) date and time for withdrawal of nomination papers;

(f) Date and time for publication list of contesting candidates;

(g) Date and time for allotment of symbols and publication of contesting candidates with symbols;

(h) Date and time of poll; - 44 -

(i) Date and time of counting and declaration of results.

5. The Co-Ordinate Bench of this Court in the case

of Sri. B Ganganna and others Vs. The State of Karnataka, Department of Co Operation and others¹ (B Ganganna) had given deliberate consideration to the provisions of Rule 13-D of the KCS Rules, 1960 and adjudication of dispute under Section 70 of the Karnataka Co-Operative Societies Act, 1959 (KCS Act, 1959 for short). The Co-Ordinate Bench of this Court framed the following points for consideration at paragraph No.9, which reads as under: 9. In the light of the contentions raised, the following questions arise for consideration;

(a) Whether a writ petition under Article 226

of the Constitution of India is maintainable (before the publication of the calendar of events under Rule 14) to redo the voters list for violation of Rule 13- D(2-A) of the Rules, 1960, in preparing the eligible and ineligible voters list? ILR 2024 KAR 1901 - 45 -

(b) Whether the authority acting under Section 70(2)(c) of the Act, 1959 can decide the validity of the electoral roll vis--vis Rule 13-D(2-A) of Rules, 1960?

(c) Whether the judgments of co-ordinate

Bench of this Court in Mohammad Beary and H.S. Raju supra are per incurium and contrary to the law in Election Commission of India through Secretary supra. (Emphasis supplied)

6. The Co-Ordinate Bench after giving deliberate consideration to various judgments has held at paragraph Nos.50 and 51 as under: 50. For the reasons recorded, this Court concludes as under:

(a) The preparation of electoral roll under Rule,

13-D(2-A) of the Karnataka Co-Operative Rules 1960 is an integral part of the election process in the context of a question whether the writ petition is maintainable when the challenge is laid to the procedure initiated for preparing electoral roll.

(b) In a dispute under Section 70(2)(c) of the Karnataka Co-operative Societies Act, 1959, the Authority under Section 70 can decide the question on the validity of electoral roll - 46 - prepared under the Rules, 1960 and its impact on the election.

(c) The judgments in MOHAMMAD BEARY and H.S. RAJU are not per incurium

(d) The writ petition under Article 226 of Constitution of India to challenge the electoral roll on the ground of non compliance of Rule 13-D(2-A) of Rules, may lie in exceptional cases.

51. Based on the conclusions arrived at in

the facts and circumstances of the case, this Court is of the view that no exceptional case is made out in this petition to exercise Article 226 jurisdiction. This Court has not expressed any opinion on the eligible and ineligible voters list prepared during the pendency of the petition. Hence, the following:

ORDER

Writ petition is disposed of on the following terms:

(i) The returning officer shall count the votes cast in the election held on 21.01.2024, to the Board of the 6th respondent bank, and shall announce the results.

(ii) The liberty is reserved to the petitioners or any aggrieved person to raise objections to the validity of the electoral roll in an election - 47 - petition under Section 70(2)(c) of the Karnataka Co-operative Societies Act, 1959.

(iii) If such a dispute is raised, the Authority under

Section 70 of the Karnataka Co-operative Societies Act, 1959, shall examine all questions including the question relating to validity of the eligible and ineligible voters list and impact on the election to the Board of the 6th respondent - Bank.

(iv) Nothing is expressed on the merits of the

eligible and ineligible voters' list published during the pendency of the petition and said question kept open to be decided in the dispute under Section 70 of the Karnataka Co- operative Societies Act, 1959, if raised.

7. Section 70 of the KCS Act, 1959 reads as under:

70. Disputes which may be referred to Registrar for decision.-(1) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management, or the business of a co-operative society arises.-

(a) among members, past members and persons claiming through members, past members and deceased members, or - 48 -

(b) between a member, past member or person claiming through a member, past member or deceased member and the society, its board or any officer, agent or employee of the society, or

(c) between the society or its board and any past

board, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs, or legal representatives of any deceased officer, deceased agent, or deceased employee of the society, or

(d) between the society and any other co- operative society, or a credit agency. such dispute shall be referred to the Registrar for decision and no civil or Labour or Revenue Court or Industrial Tribunal shall have jurisdiction to entertain any suit or other proceeding in respect of such dispute.

(2) For the purposes of sub-section (1), the following shall be deemed to be disputes touching the constitution, management or the business of a co-operative society, namely.-

(a) a claim by the society for any debt or demand due to it from a member or the nominee, heirs or legal representatives of a deceased - 49 - member, whether such debt or demand be admitted or not;

(b) a claim by a surety against the principal

debtor where the society has recovered from the surety any amount in respect of any debt or demand due to it from the principal debtor, as a result of the default of the principal debtor whether such debt or demand is admitted or not;

(c) any dispute arising in connection with the election of a President, Vice-president or any office-bearer or Member of board of the society.

(d) any dispute between a co-operative society

and its employees or past employees or heirs or legal representatives of a deceased employee, including a dispute regarding the terms of employment, working conditions and disciplinary action taken by a co-operative society notwithstanding anything contrary contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947);

(e) a claim by a co-operative society for any

deficiency caused in the assets of the co-operative society by a member, past member, deceased member or deceased officer, past agent or deceased agent or by any servant, past servant or deceased servant or by its - 50 - board, past or present whether such loss be admitted or not.

(3) If any question arises whether a dispute

referred to the Registrar under this section is a dispute touching the constitution, management or the business of a co-operative society, the decision thereon of the Registrar shall be final and shall not be called in question in any court.

(4) xxxxx

(5) x x x x x

8. The plain reading of Section 70 makes it clear

that an extensive and exhaustive mechanism is provided under the aforesaid Section and the authority under Section 70 can decide the question on the validity

of electoral roll prepared under the Rules, 1960 and its impact on the elections, whether the petitioners are the eligible voters and have paid membership dues, or annual general body meetings are attended or availed the minimum services are all questions of fact, which have to be decided under Section 70 of the KCS Act, 1959 and the writ petition under Article 226 of the Constitution of India - 51 - to challenge the electoral roll, the petitioners have not made out any exceptional case in these petitions to be entertained and the decision of the Co-Ordinate Bench of this Court in the case of B. Ganganna as stated supra is squarely applicable to the present facts and the present petitions need to be disposed of in similar terms and hence, the following:

ORDER

i. The Returning Officer shall count the votes cast in the elections held on 19.01.2025 to the Board of Directors of respondent No.3-society and shall announce the results. ii. Liberty is reserved to the petitioners or any aggrieved party to raise objections to the validity of the electoral by filing a Election Petition under Section 70(2) of the KCS Act, 1959. iii. If any dispute is raised under the provisions of KCS Act, 1959 the authority under Section 70 of the KCS Act, 1959 shall examine all questions including the questions relating to the validity of - 52 - the eligible and ineligible voters list and impact of the election to the Board of respondent No.2- society. iv. All the contentions of the parties are kept open. v. This Court has not expressed merits and demerits on eligibility or ineligibility of the voters list. vi. With the said observations, the writ petitions stand disposed of. Sd/- JUSTICE K.S. HEMALEKHA TIN List No.: 1 SI No.: 41

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