

B S Shivanna vs the State of Karnataka

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SooperKanoon Citation : sooperkanoon.com/1663286

Court : Karnataka

Decided On : Feb-28-2025

Judge : K.S. Hemalekha

Appeal No. : WP/4264/2025

Appellant : B S Shivanna

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. 4264
OF 2025 (CS-EL/M) BETWEEN:

1. B S SHIVANNA S/O KARIAPPA AGED ABOUT 44 YEARS SHRE
NO.06/126.
2. DINESHA R S/O LATE. K B RAJU SAHRE NO. 05/161/
3. AVINASH RAO K G S/O LATE. GOPAL RAO SHARE NO.06/056

4. K P MOHAN KUMAR

S/O K PAPANNA AGED ABOUT 38 YEARS Digitally signed by SHARE NO. 05/186 MAHALAKSHMI B M Location: HIGH 5. R N CHANDREGOWDA COURT OF S/O NARASEGOWDA KARNATAKA AGED ABOUT 55 YEARS SHARE NO.02/201

6. P N RAGHAVENDRA S/O NARAYANAPPA P D SHARE NO.06/036

7. RAJESHWARI H R W/O H B SRIDHAR AGED ABOUT 45 YEARS SHARE NO.06/037 -2-

8. N A ASHOKA S/O ADANIGOWDA AGED ABOUT 45 YEARS SHARE NO.08/172

9. KUMAR C S/O CHELUVA NAYAK AGED ABOUT 38 YEARS SHARE NO.09/009

10. N K MAHENDRA S/O SOMAPPA SHARE NO. 08/164

11. SHIVAKUMAR K C S/O CHELUVARAJ AGED ABOUT 47 YEARS SHARE NO. 08/185

12. GANESH R S/O RAJAPPA AGED ABOUT 35 YEARS SHARE NO.08/200

13. HARISH H A S/O RAMEGOWDA SHARE NO.09/057

14. R CHANDRA S/O RAMU AGED ABOUT 42 YEARS SHARE NO. 10/018

15. BASKAR K J S/O JAVARASHETTY AGED ABOUT 47 YEARS SHARE NO.12/084

16. SAYAD KHUDHRATH ULLA S/O REHMATHULLA AGED ABOUT 42 YEARS SHARE NO.12/116 -3-

17. LOKESH H R S/O RANGASWAMY SHARE NO.12/156

18. RAVIKUMAR GL S/O LAKKEGOWDA SHARE NO.12/143

19. SWAMY S S/O CHIKKAIAH SHARE NO.12/171
20. NATARAJ K S/O KALEGOWDA AGED ABOUT 45 YEARS SHARE NO. 13/182
21. DHIVAKAR S/O MAHADEVA AGED ABOUT 46 YEARS SHARE NO. 13/139
22. SIDHU B S W/O KIRAN KUMAR AGED ABOUT 35 YEARS SHARE NO.14/057
23. SIDDARAJU S/O DEVAIAH AGED ABOUT 50 YEARS SHARE NO.14/258
24. RAVICHANDRA B N S/O NINGAPPA AGED ABOUT 51 YEARS SHARE NO. 14/060
25. DEVARAJ K S/O JAYARAM SHARE NO. 14/068 -4-
26. SATISH S/O VEERABHADRA SHETTY AGED ABOUT 42 YEARS SHARE NO.14/074
27. R H SURENDRA S/O PUTTASWAMY AGED ABOUT 47 YEARS SHARE NO.14/080
28. SHANKARANAG S/O THIPPANNA AGED ABOUT 46 YEARS SHARE NO.14/107
29. THAMMEGOWDA S/O CHIKKANNEGOWDA SHARE NO.14/125
30. ZAKIR HUSSEIN MULLA S/O MADAR SAB AGED ABOUT 54 YEARS SHARE NO.14/132
31. SHEKAR S/O BORAIHAH AGED ABOUT 51 YEARS SHARE NO.14/134
32. SANGAPPA KYADAGUPPA S/O LATE. BHEEMAPPA AGED ABOUT 38 YEARS SHARE NO. 14/135
33. ASHOK S/O NAGARAJ SHARE NO.15/033
34. NAGARAJ N S/O NAGEGOWDA SHARE NO. 15/069 -5-

35. CHANDRAHASA B S/O VBOMMARAYI AGED ABOUT 42 YEARS SHARE NO.15/091
36. GOPI JADAV S/O M R JADAVA AGED ABOUT 51 YEARS SHARE NO.15/110
37. SHEKAR GOWDA S/O AMAREGOWDA AGED ABOUT 51 YEARS SHARE NO.15/121
38. VIJAYA DAVADATE S/O BALBIM DAVADATE SHARE NO. 15/122
39. MADEVA S/O LATE. CHIKKAIAH AGED ABOUT 47 YEARS SHARE NO.15/141
40. KEMPARAJU N S/O NANJUNDASWAMY SHARE NO.15/148
41. LANCY FARNADIS S/O JB FARNANDIS AGED ABOUT 58 YEARS SHARE NO.01/011
42. K R SATISH S/O RAJEGOWDA SHARE NO.02/047
43. N P SHIVAKUMAR S/O PUTTANNAIAH AGED ABOUT 55 YEARS SHARE NO.03/096 -6-
44. CHIKKAIAH S/O LATE. PYARAAIAH AGED ABOUT 57 YEARS SHARE NO.03/130
45. JAGADEESH H S/O NARASEGOWDA AGED ABOUT 35 YEARS SHARE NO.04/050
46. MAHADEVA S/O BOREGOWDA AGED ABOUT 34 YEARS SHARE NO. 04/102
47. R NARAYAN S/O S M RAMANNA AGED ABOUT 54 YEARS SHARE NO.05/007
48. M V PANINDRANATH S/O VENKATANARASAIAH AGED ABOUT 58 YEARS SHARE NO.05/045

49. AKBAR PASHA S/O GAIPHEER AGED ABOUT 59 YEARS SHARE NO.05/096
50. FAYAZ S/O LATE. SAYAD GAYAZUDDIN AGED ABOUT 57 YEARS SHARE NO.05/099
51. UMESH S/O ANANDAPPA AGED ABOUT 55 YEARS SHARE NO.05/099
52. DEVARAJU S/O LATE. NAGARAJA NAYAKA SHARE NO.05/115 -7-
53. MAHESHWARI W/O GIRISH SHARE NO.05/136
54. B B SHEKAR S/O BEEREGOWDA SHARE NO.05/138
55. CHIDAMBAR S /O LATE. GOVINDAIAH C SHARE NO.05/158
56. BASAVARAJ S/O KEMPAIAH AGED ABOUT 35 YEARS SHARE NO.05/199
57. LINGAPPA K K S/O KALEGOWDA AGED ABOUT 42 YEARS SHARE NO.06/011
58. RAGHAVENDRA S/O NINGEGOWDA AGED ABOUT 30 YEARS SHARE NO.06/033
59. SRISHAIL KUMBAR S/O SHIVAYOGAPPA KUMBAR AGED ABOUT 42 YEARS SHARE NO.06/054
60. BASAPPA S/ O NAGAPPA AGED ABOUT 42 YEARS SHARE NO 06/076
61. R NAVEEN S/O RAVI SHARE NO.06/103 -8-
62. N VASANTH KUMAR S/O NAGARAJU AGED ABOUT 45 YEARS SHARE NO.06/108
63. K K PRANESH S/O LATE. KRISHNEGOWDA AGED ABOUT 43 YEARS SHARE NO.06/109
64. K P RAVIKUMAR S/O PAPEGOWDA AGED ABOUT 45 YEARS SHARE NO.06/131

65. S S PRABAKAR S/O SHIVALINGAPPA AGED ABOUT 49 YEARS SHARE NO.06/135
66. MAHANTAPPA A T S/O AMARAPPA AGED ABOUT 45 YEARS SHARE NO.06/139
67. SRIDHAR C K S/O C KUMAR AGED ABOUT 55 YEARS SHARE NO.06/182
68. ESHWAR CHANDRA A M S/O MALLEGOWDA SHARE NO.06/194
69. ASHOK N S/O NAGEGOWDA AGED ABOUT 34 YEARS SHARE NO. 07/137
70. T R YOGESH S/O THIPPAIAH SHARE NO.08/016 -9-
71. CHANDRA B K KALEGOWDA S/O KALEGOWDA AGED ABOUT 44 YEARS SHARE NO.08/086
72. R KUMAR S/O RAMASHETTY AGED ABOUT 49 YEARS SHARE NO.08/138
73. SURESH C BAILWAD S/O SIDDAPPA SHARE NO.08/198
74. MAHADEVA L B S/O BASAPPA AGED ABOUT 45 YEARS SHARE NO. 11/001
75. BEEREGOWDA S/O LATE. KALEGOWDA AGED ABOUT 35 YEARS SHARE NO.11/088
76. PARAMESH S S/O SUBRAMANYA AGED ABOUT 45 YEARS SHARE NO. 10/137
77. SATHISHA M B S/O BOOMAIAH AGED ABOUT 42 YEARS SHARE NO. 08/178
78. MAHADEVAYYA P S/O PAPAIAH AGED ABOUT 50 YEARS SHARE NO.07/157
79. LOHITHA K S S/O LATE SUBBEGOWDA AGED ABOUT 42 YEARS - 10 - SHARE NO.08/064

80. MALLESHA M B S/O LATE BASAPPA AGED ABOUT 44 YEARS SHARE NO.07/141
81. KUMARA C S/O DODDAJAVARAIAH AGED ABOUT 49 YEARS SHARE NO.11/044
82. SHIVAPPA N S S/O SUNDRAIAH AGED ABOUT 42 YEARS SHARE NO.09/122
83. SHIVARAMU S/O CHIKKATHAMMAIAH AGED ABOUT 58 YEARS SHARE NO.09/025
84. PRAVEENA K P S/O PRAKASH K M SHARE NO.09/021
85. PRADEEP S S/O SRINIVAS CN AGED ABOUT 37 YEARS SHARE NO.11/148
86. ASHOKA S/O LATE. JAVARANAYAKA AGED ABOUT 42 YEARS SHARE NO.05/018
87. LOKESHA A S/O ANNAYYA SHETTY AGED ABOUT 43 YEARS SHARE NO.07/152
88. CHALUVARAJU S/O RAMASHETTY - 11 - AGED ABOUT 50 YEARS SHARE NO.06/132
89. BASAVARAJU K S S/O KP SIDDAPPA SHARE NO.07/090
90. KRISHNA MURTHY H P S/O PUTTAIAH SHARE NO.07/161
91. NAGESH K S/O SHIVAPPA SHARE NO.09/195
92. MANOJ KUMAR S/O LATE. VENKATASWAMY AGED ABOUT 38 YEARS SHARE NO. 10/012
93. TAMMAYYA SHETTY H S S/O SHANKAR SHETTY AGED ABOUT 47 YEARS SHARE NO.10/029

94. MAHENDRA N S/O NARASA NAYAKA AGED ABOUT 42 YEARS SHARE NO.11/058
95. GOKUL A S/O AMASEGOWDA AGED ABOUT 34 YEARS SHARE NO.11/104
96. DHARMARAJU K S/O KALEGOWDA SHARE NO.11/118 . - 12 -
97. GEETHA B W/O VEKATESH J SHARE NO.13/074
98. VARASINGAYYA D S/O LATE. DODDAAIAH AGED ABOUT 43 YEARS SHARE NO.13/146
99. MANJEGOWDA S/O. LAKKEGOWDA SHARE NO.13/126
100. SURESH N D S/O. LATE. DEVAIAH SHARE NO.14/021
101. AKSHAYA G L S/O LATE. LINGARAJEGOWDA SHARE NO.14/180
102. PARAMESHA S/O BETTEGOWDA AGED ABOUT 54 YEARS SHARE NO.15/144
103. JAYANNA S/O DYAVAIAH AGED ABOUT 48 YEARS SHARE NO.05/183
104. NINGARAJ S/O NINGEGOWDA AGED ABOUT 37 YEARS SHARE NO.11/060
105. MAREGOWDA TR S/O RAMEGOWDA AGED ABOUT 53 YEARS SHARE NO.12/183 - 13 -
106. DINESH S S/O LATE. MADEGOWDA AGED ABOUT 35 YEARS SHARE NO.11/059
107. SHIVARAJU K S/O RAMAIAH SHARE NO.11/055
108. GANGAMMA W/O CHETHAN AGED ABOUT 37 YEARS SHARE NO.11/133
109. MANJULAMMA W/O KESHAVA AGED ABOUT 53 YEARS SHARE NO.05/037

110. NANDHA KUMAR H R S/O. RANGASWAMY AGED ABOUT 38 YEARS
SHARE NO.09/033
111. THANVEER SHARIFF S/O ATTHA ULLA AGED ABOUT 43 YEARS SHARE
NO.15/097
112. SOWMYA D/O LATE. JAVARAIAH AGED ABOUT 33 YEARS SHARE
NO.15/085
113. HUCHIAHA S/O RANGAYYA AGED ABOUT 43 YEARS SHARE NO. 15/137
114. MURUGA S S/O SUBRAMANNAYYA AGED ABOUT 54 YEARS SHARE
NO.15/086 - 14 -
115. BASAVARAJ S/O THIMMAIAH AGED ABOUT 45 YEARS SHARE
NO.12/097
116. RAVINDRANATH B S S/O SOMANATH AGED ABOUT 47 YEARS SHARE
NO.15/136
117. MANUKUMAR K C S/O CHANNEGOWDA AGED ABOUT 38 YEARS
SHARE NO.15/096
118. RAVI C S/O CHANNEGOWDA AGED ABOUT 50 YEARS SHARE NO.
15/124
119. SOMESHA D S/O DEVAIAH AGED ABOUT 51 YEARS SHARE NO.15/129
120. MAHESH HUGAR S/O SUBHASH HUGAR AGED ABOUT 38 YEARS
SHARE NO.15/101
121. LOKESH D R S/O RAJAPPA SHARE NO. 15/092
122. HARISHA H M S/O MADEVAIAH SHARE NO. 15/126
123. NANJESHGOWDA S/O RANGEGOWDA SHARE NO.13/031 - 15 -

124. RAVIKUMAR DODDAMETI S/O SURESH BABU AGED ABOUT 37 YEARS
SHARE NO.12/102
125. SATHISHA K S S/O SOMAPPA AGED ABOUT 34 YEARS SHARE
NO.15/128
126. MAHESHA K S/O KALEGOWDA AGED ABOUT 44 YEARS SHARE
NO.15/089
127. LOHITHA K R S/O RANGEGOWDA SHARE NO.15/127
128. LOHITH KUMAR S/O. MANJESGOWDA AGED ABOUT 37 YEARS SHARE
NO.15/129
129. SUNIL Y S S/O SUNDAR Y C AGED ABOUT 37 YEARS SHARE NO.11/076
130. HARISH S P S/O SB PRAKASH SHARE NO.11/063
131. BEEREGOWDA M K S/O LATE. KALEGOWDA AGED ABOUT 36 YEARS
SHARE NO.11/077
132. PUNEETH NR S/O RAJEGOWDA AGED ABOUT 37 YEARS SHARE
NO.11/168 - 16 -
133. CHANDRASHEKAR S/O LATE. RAVIKUMAR AGED ABOUT 34 YEARS
SHARE NO.12/073
134. PRABAKAR G. N S/O NAGARAJASHETTY AGED ABOUT 35 YEARS
SHARE NO.11/105
135. ARUN KUMAR S/O BETTAIAH AGED ABOUT 37 YEARS SHARE
NO.11/136
136. KENDAGANARADHYA S/O ESHWARARADHYA SHARE NO.11/135
137. CHAITRA T M W/O HEMANTH KUMAR H M AGED ABOUT 30 YEARS
SHARE NO.11/134

138. PUTTARAJ B J S/O BOREGOWDA AGED ABOUT 30 YEARS SHARE NO.11/193
139. KODANDRAM NAYAK S/O JAVARANAYAK SHARE NO.12/056
140. HARIPRASAD J C S/O JAKKAPPA SHARE NO.12/055
141. YOGESH K S/O KUCHELA AGED ABOUT 43 YEARS SHARE NO.12/063 - 17 -
142. NAGENDRA S/O CHANDRACHAR SHARE NO.12/046
143. M P RAGHU S/O NINGARAJU AGED ABOUT 36 YEARS SHARE NO. 12/037
144. PRUTHVIRAJ K S/O KUMAR AGED ABOUT 36 YEARS SHARE NO.12/033
145. PURUSHOTTHAMA N P S/O N S PARAMESH AGED ABOUT 45 YEARS SHARE NO. 12/083
146. NANDISH S/O LATE. SANNATHAMMEGOWDA SHARE NO. 12/086
147. DAYANAND S G S/O SOMANNA AGED ABOUT 43 YEARS SHARE NO. 12/088
148. RATEESHA B K S/O LATE. KRISHNASHETTY SHARE NO.12/085
149. LOKESH M A S/O V K APPANNA AGED ABOUT 37 YEARS SHARE NO.13/072
150. RAHUL P S/O PRAKASH N AGED ABOUT 34 YEARS SHARE NO. 14/056 - 18 -
151. TILAK KUMAR S/O LATE. CHANDRASHEKAR SHARE NO.14/066
152. MYLARIGOWDA S/O DEVARAJEGOWDA A SHARE NO.14/067
153. GURUMALLESH T P S/O LATE. PRAKASH T M SHARE NO. 14/073

154. HS PRAKASH S/O SANNASHETTY AGED ABOUT 43 YEARS SHARE NO. 14/075
155. K B NAGARAJ S/O LATE. K K BOGAPPA AGED ABOUT 44 YEARS SHARE NO. 14/077
156. THAMMEGOWDA S/O CHIKKANNEGOWDA SHARE NO.14/081
157. R H SANNAPPA S/O HALAPPA AGED ABOUT 43 YEARS SHARE NO.14/083
158. K A JAYANNA S/O AJJEGOWDA AGED ABOUT 55 YEARS SHARE NO.05/015
159. CHANDRA NAYAK S/O LATE SIDDANAYAKA AGED ABOUT 51 YEARS SHARE NO.05/090 - 19 -
160. K E JANARDHAN S/O NAGENDRA RAO AGED ABOUT 33 YEARS SHARE NO.05/156
161. H K MANJUNATH S/O KEPALIAH HD AGED ABOUT 42 YEARS SHARE NO.05/157
162. RAJANNA S/O RANGASWAMY AGED ABOUT 43 YEARS SHARE NO.05/192
163. H RAJARAO S/O HANUMANTHA RAO AGED ABOUT 52 YEARS SHARE NO.06/008
164. BALAKRISHNA R S/O RAMUSHETTY AGED ABOUT 49 YEARS SHARE NO.06/163
165. BASAVALINGAPPA S/O KANTEPPA AGED ABOUT 53 YEARS SHARE NO.06/198
166. B T GEETHA W/O LATE SWAMY AGED ABOUT 43 YEARS SHARE NO.07/004

167. KESHAVMURTHY J S/O JAYARAM SHETTY AGED ABOUT 46 YEARS
SHARE NO. 10/183
168. KALLANA BISANAL S/O JAYAGONDA AGED ABOUT 44 YEARS - 20 -
SHARE NO.07/116
169. K CHANDRAKANT S/O KUMARASWAMY AGED ABOUT YEARS SHARE
NO.08/063
170. GANESH R S/O RANGANNA AGED ABOUT 46 YEARS SHARE NO.08/200
171. NANDAKUMAR H R S/O RANGASHETTY AGED ABOUT 38 YEARS
SHARE NO.09/033
172. MAHADEVA BATAKUNKI S/O SIDDAPPA AGED ABOUT 49 YEARS
SHARE NO.09/070
173. SHIVALINGAIAH M S/O MAHADEVASWAMY AGED ABOUT 56 YEARS
SHARE NO.07/136
174. MANJUNATH M S/O M MAHADEVU AGED ABOUT 48 YEARS SHARE NO.
10/147
175. NARAYANI R S/O RANGASWAMY AGED ABOUT 33 YEARS SHARE NO.
11/146
176. HARISH K M S/O MALLIKARJUNA K SHARE NO.11/149
177. SHANTHA H D W/O DODDAKARIYAYYA - 21 - AGED ABOUT 54 YEARS
SHARE NO.07/112
178. SHARANABASAPPA S/O LATE BASAVARAJ AGED ABOUT 44 YEARS
SHARE NO.09/119
179. RAVIKUMARA N S/O NANJUNDA AGED ABOUT 44 YEARS SHARE
NO.08/195
180. MURTHY S S S/O SUBBEGOWDA SHARE NO.14/062

181. MARIYAPPA S/O JAVARAPPA SHARE NO.07/138

182. SWAMY H P S/O PUTTARAJU AGED ABOUT 43 YEARS SHARE NO.08/167

183. MOHAN KUMAR D S/O LATE DEVAIAH AGED ABOUT 38 YEARS SHARE NO.07/167

184. NINGEGOWDA S K S/O KAJARIGOWDA SHARE NO.11/150

185. GUNAVATHI D/O N NAGARAJ AGED ABOUT 48 YEARS SHARE NO.15/150 - 22 -

186. BABURAO GADDAD S/O LATE LAKSHMAN AGED ABOUT 41 YEARS. SHARE NO.10/176

187. HARISH N S/O NARASIMHA NAYAK SHARE NO.15/047

188. MURTHY A S/O APPAJIGOWDA AGED ABOUT 46 YEARS SHARE NO.07/169

189. NINGAYYA HIEMATH S/O LATE. HEERAYYA SHARE NO.09/105

190. RAVI H S S/O SIDDARAJA NAYAKA AGED ABOUT 43 YEARS SHARE NO.07/173

191. ANIL KUMAR M J S/O LATE JAVARAIAH AGED ABOUT 37 YEARS SHARE NO.08/177

192. BASAPPA K S CHAKRASALI S/O SIDDAPPA CHAKRASALI AGED ABOUT 43 YEARS SHARE NO.15/013

193. VINOD KUMAR N S/O NAGARAJU SHARE NO.07/098

194. HR DINESH S/O LATE. RAMEGOWDA AGED ABOUT 46 YEARS SHARE NO.14/189 - 23 -

195. SWAMY B D S/O DODDEGOWDA SHARE NO. 14/185

196. SHEKAR M R S/O SANNAPPA AGED ABOUT 42 YEARS SHARE NO.14/173
197. BEERESH H S/O CHIKKAVEERAAIAH SHARE NO. 14/147
198. SWAMY S/O RAMAIAH SHARE NO. 14/146
199. SWAMY C G S/O GOVINDAIAH AGED ABOUT 44 YEARS SHARE NO. 14/138
200. SATHISH PRASAD R S/O RAMACHANDRA PRASAD AGED ABOUT 47 YEARS SHARE NO.14/133
201. SUNIL KUMAR K S/O KAMANNA AGED ABOUT 38 YEARS SHARE NO. 14/122
202. SHIVANANDA SHETTY S/O HANUMANTH AGED ABOUT 45 YEARS SHARE NO. 14/114
203. MURALIDGAR V R S/O SRIDHARA AGED ABOUT 38 YEARS SHARE NO. 12/107 - 24 -
204. UMESH G N S/O BHEEMESHA SHARE NO.12/095
205. HARISH S/O SOMESH SHARE NO.13/096
206. RAMACHANDRA DARSHAN G S/O GOVINDEGOWDA AGED ABOUT 33 YEARS SHARE NO. 13/119
207. MANJEGOWDA S/O LAKKE GOWDA SHARE NO. 13/126
208. ANIL KUMAR A S/O GOVINDA AGED ABOUT 38 YEARS SHARE NO. 13/141
209. ASHOK T S S/O SIDDAPPA SHARE NO. 13/144
210. PADMA A T D/O SRIKANTA SHARE NO.13/157
211. KRISHNA H V S/O VEERANAGOWDA SHARE NO. 11/010

212. RAVIKUMAR M S/O SOMANNA SHARE NO. 14/035 - 25 -
213. HARISH R S/O BHOGAIAH SHARE NO. 14/049
214. ASHWATH H N S/O NARASIMHEGOWDA AGED ABOUT 55 YEARS
SHARE NO.1/17
215. KIRAN GHATKE S/O GOVINDARAO GHATKE AGED ABOUT 42 YEARS
SHARE NO.06/078
216. KUMAR BAJARATH S/O YELLAPPA AGED ABOUT 42 YEARS SHARE
NO.15/006
217. SANJEEV KUMAR S/O RAMACHANDRA SHARE NO. 15/009
218. LINGARAJU M J S/O JAYARAM SHARE NO.08/100
219. PRAKASH R R S/O RAJEGOWDA SHARE NO.07/149
220. GANGA RAJU S/O MANJEGOWDA AGED ABOUT 45 YEARS SHARE
NO.07/042
221. BASAVACHARI S/O LATE RAMACHARI SHARE NO.11/026 - 26 -
222. K GOPAL S/O MT KEMPAIAH AGED ABOUT 53 YEARS SHARE NO.06/149
223. CHETHAN SHARMA H M S/O MAHENDRA SHARE NO. 15/099
224. R CHANDRA S/O RAMU AGED ABOUT 42 YEARS SHARE NO. 10/018
225. SANDESH R S/O RAJU AGED ABOUT 38 YEARS SHARE NO.13/170
226. ROOPESHA H S S/O SHIVANNA AGED ABOUT 46 YEARS SHARE NO.
10/161
227. C S GIRISHA S/O SUBBAIAH AGED ABOUT 47 YEARS SHARE NO.08/021
228. BALAKRISHNA H K S/O HS KARIGOWDA AGED ABOUT 50 YEARS
SHARE NO.02/119

229. GIRISH S S/O LATE. SHANMUKASWAMY AGED ABOUT 47 YEARS
SHARE NO.07/070
230. RAGHU A S/O LOKAIAH AGED ABOUT 48 YEARS SHARE NO. 15/038 - 27
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231. DAYANADA M M S/O SOMANNA AGED ABOUT 48 YEARS SHARE NO.
14/199
232. SRISHAILA BOKATE D/O HANUMANTHA AGED ABOUT 43 YEARS
SHARE NO.08/144
233. NAVEEN RAJ H S S/O SWAMYGOWDA SHARE NO. 13/073
234. NADAF M A S/O ALLISAB NADAF AGED ABOUT 48 YEARS SHARE
NO.15/071
235. RAJU S/O LATE TULASIRAM AGED ABOUT 45 YEARS SHARE NO.
10/192
236. M GANESH S/O MALLESHCHARYA AGEDBOUT 39 YEARS SHARE
NO.14/085
237. K NAGESH KUMAR S/O LATE K KRISHNEGOWDA AGED ABOUT 37
YEARS SHARE NO.04/197
238. VISHWANATH H K S/O HARISH SHARE NO.14/167
239. MAHADEVA S/O MAREGOWDA SHARE NO.06/100 - 28 -
240. MS CHANDRASHEKAR S/O SOMASHEKAR SHARE NO.07/061
241. KUMARA L S/O LOKESHAPPA SHARE NO. 10/184
242. NANDISH KUMAR K R S/O RAMU MC SHARE NO.08/037
243. MAHESHA K G S/O GOPALASHETTY AGED ABOUT 38 YEARS SHARE
NO.08/069

244. ASHOKA S/O SUBBEGOWDA SHARE NO.05/089

245. VISHWANATH S/O NAGARAJA AGED ABOUT 43 YEARS SHARE NO.05/187

246. VISHSWANATHA S S/O SHIVANNEGOWDA AGED ABOUT 46 YEARS SHARE NO. 11/054

247. KEERTHI S/O SHIVANNA AGED ABOUT 38 YEARS SHARE NO.13/124

248. HEMANTHKUMAR S/O LATE. NINGEGOWDA AGED ABOUT 38 YEARS SHARE NO.14/019 - 29 -

249. DEVARAJA K V S/O VENKATESH AGED ABOUT 45 YEARS SHARE NO. 10/132

250. NAGARAJU G S S/O LATE. SIDDARAMEGOWDA AGED ABOUT 42 YEARS SHARE NO. 10/088

251. PADMARAJ S/O RAJAIAH AGED ABOUT 32 YEARS SHARE NO. 11/021

252. RAGHAVENDRA S/O VENKATESHAIAH AGED ABOUT 35 YEARS SHARE NO. 15/093

253. KANTHA RAJU H SHARE NO. 15/066

254. S S ROHITH S/O SWAMY AGED ABOUT 37 YEARS SHARE NO 06/021

255. GANGARAJU S/O MANJEGOWDA AGEDA BOUT 42 YEARS SHARE NO 07/042,

256. KUMAR C S/O CHELUVANAIAK AGED ABOUT 38 YEARS SHARE NO 09/009

257. RAJESH G R S/O RAJEGOWDA SHARE NO 13/152 - 30 -

258. MADHUSUDHAN S/O RAMASHETTY AGED ABOUT 37 YEARS SHARE NO 13/106

259. M B PALASKHA S/O BASAVARAJAPPA AGED ABOUT 46 YEARS SHARE NO 07/079

260. M G LINGARAJU S/O JAYARAM AGED ABOUT 43 YEARS SHARE NO 08/100

ALL ARE MEMBERS OF KARNATAKA STATE ROAD TRANSPORT MULTIPURPOSE CO-OPERATIVE SOCIETY LTD., SUBHASHNAGARA, K R NAGARA TOWN MYSURU DISTRICT- 571 602 (SENIOR CITIZEN BENEFITS ARE NOT CLAIMED) PETITIONERS (BY SRI. SANDESH T B.,ADVOCATE) AND:

1. THE STATE OF KARNATAKA, DEPARTMENT OF CO OPERATION, M S BUILDING, DR B R AMBEDKAR VEEDHI, BENGALURU- 560001 REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE STATE OF CO-OPERATIVE ELECTION AUTHORITY 3RD FLOOR, TTMC, A BLOCK, K.H ROAD, SHAHINTHINAGAR BANGALORE -560027 REPRESENTED BY ITS SECRETARY.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETES MYSURU DISTRICT- 570001.

4. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES - 31 - MYSURU SUB DIVISION MYSURU DISTRICT-570001.

5. KARNATAKA STATE ROAD TRANSPORT

MULTIPURPOSE CO-OPERATIVE SOCIETY LTD., SUBHASHNAGAR, K R NAGAR TOWN, MYSURU DISTRICT -571602 REPRESENTED BY ITS CEO (SOCIETY REGISTERED UNDER THE KARNATAKA CO-OPERATIVE SOCIETES ACT 1959)

6. THE RETURNING OFFICER KARNATAKA STATE ROAD TRANSPORT MULTIPURPOSE CO-OPERATIVE SOCIETY LTD, SUBHASHNAGARA K R NAGARA TOWN MYSURU DISTRICT -571602

(SOCIETY REGISTERED UNDER THE KARNATAKA CO-OPERATIVE SOCIETIES ACT -1959) RESPONDENTS (BY SRI.YOGESH D NAIK, AGA FOR R1, R3, R4 AND R6, SRI. T L KIRAN KUMAR, ADVOCATE FOR R2, R5-SERVED AND UNREPRESENTED) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 TO 6 TO INCLUDE THE NAME OF THE PETITIONERS IN THE ELIGIBLE VOTERS LIST AND PERMIT THE PETITIONERS TO VOTES IN THE ELECTIONS TO THE R-5 WHICH IS SCHEDULED TO BE HELD ON 14.02.2025 VIDE ANNEXURE-A. 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 - 32 -

ORAL ORDER

The petitioners are seeking for the following prayers:- "Issue a writ of mandamus directing the respondent No.2 to 6 to include the name of the petitioners in the eligible voters list and permit the petitioners to contest and votes in the elections to

the respondent No.5 which is scheduled to be held

on 14.02.2025 vide Annexure-A in the interest of justice".

2. This Court by way of an interim arrangement on 13.02.2025 permitted the petitioners to cast their votes in the ensuing election scheduled on 14.02.2025 subject to final outcome of this petition.

3. Heard Sri Sandesh T.B., learned counsel for the petitioners, Sri Yogesh D. Naik, learned AGA for respondent Nos.1, 3, 4 and 6 and Sri T.L. Kiran Kumar, learned counsel for respondent No.2.

4. Respondent No.5 though served has chosen to remain absent. - 33 -

5. Counsel for the petitioners submits that the election has been held as scheduled on 14.02.2025 and the petitioners have cast their votes.

6. 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.

7. No material is forthcoming to indicate the

compliance of aforementioned rules. 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 2022 (4) AKR 775 - 34 - 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 petition is disposed of. ii. The Returning Officer to count the votes, including the votes cast by petitioners and announce the results of the election, which was scheduled on 14.02.2025.

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.5- 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 - 35 - vote in the election of the Board of respondent No.5- 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.5-society is raised, the effect of holding the petitioners ineligible to vote and excluding such votes, on the final outcome of the election results 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.: 18

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