

Rajanayaka vs the State of Karnataka

Rajanayaka vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1666089

Court : Karnataka Orders

Decided On : Feb-28-2025

Judge : K.S. Hemalekha

Appeal No. : WP/4770/2025

Appellant : Rajanayaka

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. 4770 OF 2025 (CS-EL/M) C/W WRIT PETITION NO. 4771 OF 2025 (CS-EL/M) IN WP No. 4770/2025 BETWEEN:

1. RAJANAYAKA, S/O LATE SIDDANAYAKA, AGED ABOUT 50 YEARS, SL.NO.7, MAVINAHALLI VILLAGE, JAYPURA HOBLI,
2. ABDUL SUBHAN,

S/O ABDUL JALEEL, AGED ABOUT 42 YEARS, Digitally signed by SL.NO.6, MAVINAHALLI VILLAGE, JAYPURA HOBLI, MAHALAKSHMI B M MYSURU TALUK AND DISTRICT-570 008. Location: HIGH COURT OF KARNATAKA 3. SHIVAMMA, W/O LAKSHMANANAYAKA, AGED ABOUT 52 YEARS, SL.NO.8, JAYAPURA VILLAGE, JAYPURA HOBLI,

4. RAJASHETTY, S/O CHIKKASHETTY, AGED ABOUT 38 YEARS, SL.NO.9, JAYAPURA VILLAGE, JAYPURA HOBLI, -2-

5. PUTTAMMA, W/O APPAJICHAR, AGED ABOUT 55 YEARS, SL.NO.10, JAYAPURA VILLAGE, JAYPURA HOBLI,

6. CHIKKAVEERA SHETTY, S/O CHIKKASHETTY, AGED ABOUT 60 YEARS, SL.NO.12, JAYAPURA VILLAGE, JAYPURA HOBLI,

7. CHELUVAIAH, S/O VAIRAMUDI, AGED ABOUT 55 YEARS, SL.NO.13, JAYAPURA VILLAGE, JAYPURA HOBLI,

8. SUSHEELAMMA.M, W/O MARILINGEGOWDA, AGED ABOUT 52 YEARS, SL.NO.14, JAYAPURA VILLAGE, JAYPURA HOBLI,

9. SUVARNAMMA, W/O MAHALINGAPPA, AGED ABOUT 40 YEARS, SL.NO.30, ARASINAKERE VILLAGE, JAYPURA HOBLI,

10. NANAJAPPA, S/O LATE. NANJAPPA, AGED ABOUT 58 YEARS, SL.NO.31, ARASINAKERE VILLAGE, JAYPURA HOBLI,

11. KALASWAMAPPA, S/O DODDAPUTTAPPA, AGED ABOUT 59 YEARS, SL.NO.33, ARASINAKERE VILLAGE, JAYPURA HOBLI, -3-

12. M.MALLAPPA, S/O MAHALINGAPPA, AGED ABOUT 62 YEARS, SL.NO.38, ARASINAKERE VILLAGE, JAYPURA HOBLI,

13. DEEPU.B.N., S/O NANJAPPA, AGED ABOUT 38 YEARS, SL.NO.41, BARADANAPURA VILLAGE, JAYPURA

14. SHAMBULINGAPPA, S/O DODDA NANJAPPA, AGED ABOUT 55 YEARS, SL.NO.46, BARADANAPURA VILLAGE, JAYPURA
15. B.M. CHANDRASHEKAR, S/O B.MAHADEVAPPA, AGED ABOUT 39 YEARS, SL.NO.49, BARADANAPURA VILLAGE, JAYPURA
16. PUTTATAYAMMA, W/O LATE MAHADEVAPP, AGED ABOUT 57 YEARS, SL.NO.51, BARADANAPURA VILLAGE, JAYPURA
17. N.RAJASHEKARA MURTHY, S/O L.NANJAPPA, AGED ABOUT 54 YEARS, SL. NO.56, BARADANAPURA VILLAGE, JAYPURA
18. MALLAMMA, W/O LATE. MAHADEVAPPA, AGED ABOUT 61 YEARS, SL.NO.59, DARIPURA VILLAGE, JAYPURA HOBBI, -4-
19. MAHADEVAPPA, W/O LATE. KULLAPPA, AGED ABOUT 58 YEARS, SL.NO.60, DARIPURA VILLAGE, JAYPURA HOBBI,
20. PUTTAMMANI, W/O LATE. MALLAPPA, AGED ABOUT 63 YEARS, SL.NO.61, DARIPURA VILLAGE, JAYPURA HOBBI,
21. JAYAMMA, W/O DEVAPPA, AGED ABOUT 55 YEARS, SL.NO.62, DARIPURA VILLAGE, JAYPURA HOBBI,
22. SHANTHAMMA. W/O BASAVARAJU, AGED ABOUT 40 YEARS SL.NO.64, DARIPURA VILLAGE, JAYPURA HOBBI,
23. GOWRAMMA. W/O LATE. ERANNA, AGED ABOUT 43 YEARS, SL.NO.65, DARIPURA VILLAGE, JAYPURA HOBBI,
24. JAYAMMA, W/O BASAVARAJEGOWDA, AGED ABOUT 54 YEARS, SL. NO.66, DARIPURA VILLAGE, JAYPURA HOBBI,
25. MURUDAPPA, S/O ERAPPA, AGED ABOUT 57 YEARS, SL.NO.69, DARIPURA VILLAGE, JAYPURA HOBBI, -5-
26. BASAVARAJAPPA, S/O LATE DEVAPPA, AGED ABOUT 63 YEARS, SL. NO. 70, DARIPURA VILLAGE, JAYPURA HOBBI,

27. DODDARATHNAMMA, W/O BASAPPA, AGED ABOUT 58 YEARS, SL. NO.72, DARIPURA VILLAGE, JAYPURA HOBLI,
28. BHAGYA, W/O MANJU SWAMY, AGED ABOUT 39 YEARS, SL.NO.76, DARIPURA VILLAGE, JAYPURA HOBLI,
29. SHASHIKALA, W/O P.MURTHY, AGED ABOUT 35 YEARS, SL.NO.78, DARIPURA VILLAGE, JAYPURA HOBLI,
30. KEMPAMMA, W/O LATE NINGEGOWDA, AGED ABOUT 65 YEARS, SERIAL NO.15, KELLAHALLI VILLAGE, JAYAPURA
31. K.J.SIDDEGOWDA, S/O G. DEVARAJEGOWDA, AGED ABOUT 55 YEARS, SERIAL NO.16, KELLAHALLI VILLAGE, JAYAPURA
32. N. JAYARAMA, S/O T. NEELIAIAH, AGED ABOUT 48 YEARS, SERIAL NO.17, KELLAHALLI VILLAGE, JAYAPURA -6-
33. KEMPAMMA, W/O VENKATEGOWDA, AGED ABOUT 63 YEARS, SERIAL NO.19, KELLAHALLI VILLAGE, JAYAPURA
34. KAANTHAMMA, W/O NINGEGOWDA, AGED ABOUT 44 YEARS, SERIAL NO.20, KELLAHALLI VILLAGE, JAYAPURA
35. BASAVARAJU K, S/O LATE DEVEGOWDA, AGED ABOUT 40 YEARS, SERIAL NO.22, KELLAHALLI VILLAGE, JAYAPURA
36. KUSEGOWDA, S/O LATE PAPEGOWDA, AGED ABOUT 69 YEARS, SERIAL NO.23, KELLAHALLI VILLAGE, JAYAPURA
37. SANNATHAYAMMA, W/O LATE KUUSEGOWDA, AGED ABOUT 60 YEARS, SERIAL NO.24, KELLAHALLI VILLAGE, JAYAPURA
38. MARIGOWDA, S/O LATE MAHEEGOWDA, AGED ABOUT 57 YEARS, SERIAL NO. 25, KELLAHALLI VILLAGE, JAYAPURA
39. MAHADEVU, S/O KENCHEGOWDA, AGED ABOUT 52 YEARS, SERIAL NO.26, KELLAHALLI VILLAGE, JAYAPURA -7-

40. NINGAMMA, W/O RAMALINGEGOWDA, AGED ABOUT 63 YEARS, SERIAL NO.27, KELLAHALLI VILLAGE, JAYAPURA
41. NINGARAJU, S/O NINGEGOWDA, AGED ABOUT 54 YEARS, SERIAL NO.28, KELLAHALLI VILLAGE, JAYAPURA
42. SIDAMMA, W/O LATE MARILINGEGOWDA, AGED ABOUT 70 YEARS, SERIAL NO.29, KELLAHALLI VILLAGE, JAYAPURA
43. NANJAMMUNI, W/O PARAMESHWARAPPA, AGED ABOUT 54 YEARS, SERIAL NO.5, MAVINAHALLI VILLAGE, JAYAPURA PETITIONERS (BY SRI RAJU C N, ADVOCATE) AND:
1. THE STATE OF KARNATAKA, DEPARTMENT OF CO-OPERATION, M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI, BENGALURU-560 001. REP. BY ITS SECRETARY.
 2. THE STATE CO-OPERATIVE ELECTION AUTHORITY, 3RD FLOOR, T.T.M.C. 'A' BLOCK, SHANTHI NAGARA, K.H.ROAD, BENGALURU-560 027, REP. BY ITS COMMISSIONER. -8-
 3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN KARNATAKA, NO1. ALI ASKAR ROAD, BENGALURU-560 001.
 4. THE ELECTION OFFICER AND JOINT REGISTRAR OF CO-OPERATIVE SOCIETY, MYSORE DIVISION, MYSORE, PUBLIC OFFICERS BUILDING, OPP. CORPORATION OFFICE NEW SAYAJI RAO ROAD, MYSORE-570 024.
 5. RETURNING OFFICER, JAYAPURA LARGE SCALE CREDIT AGRICULTURAL SERVICE CO-OPERATIVE SOCIETY LTD., MYSORE TALUK, MYSORE, PIN CODE-562 149.
 6. JAYAPURA LARGE SCALE CREDIT AGRICULTURAL SERVICE CO-OPERATIVE SOCIETY LTD., MYSORE TALUK, MYSORE. REP. BY ITS MANAGER. (CO-OPERATION INSTITUTION REGISTERED UNDER THE PROVISIONS OF KARNATAKA CO-OPERATIVE SOCIETIES ACT, 1959 AND RULES, 1960.) RESPONDENTS

(BY SRI YOGESH D NAIK, AGA FOR R-1, R-3 TO R-5; SRI T.L KIRAN KUMAR, ADVOCATE FOR R-2; SMT. NAYANASHREE A.K, ADVOCATE FOR R-6) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO- DIRECT THE R-2 TO 6 PERMIT THE PETITIONERS TO EXERCISING THEIR VOTE IN THE ELECTION TO BE HELD ON 23.02.2025 VIDE ANNEXURE -A TO THE BOARD OF DIRECTORS OF THE R-6. IN WP NO. 4771/2025 BETWEEN:

1. KARISIDDAIAH, S/O LATE. CHAKRA SIDDAIAH, -9- AGED ABOUT 65 YEARS, SL.NO.14, MAVINAHALLI VILLAGE, JAYPURA HOBOLI,

2. SHIVADASACHARI, S/O SREENIVASACHARI, AGED ABOUT 53 YEARS, SL.NO.24, MAVINAHALLI VILLAGE, JAYPURA HOBOLI, MYSURU TALUK AND DISTRICT -570 008.

3. PUTTACHENNAMMA, W/O LATE. MAHADEVAPPA, AGED ABOUT 58 YEARS, SL.NO.28, MAVINAHALLI VILLAGE, JAYPURA HOBOLI,

4. SAKAMMA, W/O LATE. BASAVALINGEGOWDA, AGED ABOUT 55 YEARS, SL.NO.29, MAVINAHALLI VILLAGE, JAYPURA HOBOLI,

5. NINGAMMA, W/O LATE. SIDDAIAH, AGED ABOUT 59 YEARS, SL.NO.31, MAVINAHALLI VILLAGE, JAYPURA HOBOLI,

6. SURESHA, S/O KEMPACHIKKASHETTY, AGED ABOUT 48 YEARS, SL.NO.36, JAYAPURA VILLAGE, JAYPURA HOBOLI,

7. HUCHCHANAYAKA, S/O LATE CHIKKARANGANAYAKA, AGED ABOUT 59 YEARS, SL.NO.40, JAYAPURA VILLAGE, JAYPURA HOBOLI, MYSURU TALUK AND DISTRICT -570 008. - 10 -

8. UMESH.J.K. S/O LATE. KONANAYAKA, AGED ABOUT 40 YEARS, SL.NO.42, JAYAPURA VILLAGE, JAYPURA HOBOLI, MYSURU TALUK AND DISTRICT -570 008.

9. CHENNANAYAKA, S/O LATE. THIMMANAYAKA, AGED ABOUT 55 YEARS, SL.NO.44, JAYAPURA VILLAGE, JAYPURA HOBOLI, MYSURU TALUK AND

DISTRICT -570 008.

10. SHAMIDABI, S/O LATE. AHAMAD IBRAHIM SAB, AGED ABOUT 58 YEARS, SL.NO.47, JAYAPURA VILLAGE, JAYPURA HOBLI,

11. CHIKKALINGAIAH, S/O P.B. LINGAIAH, AGED ABOUT 52 YEARS, SL.NO.48, JAYAPURA VILLAGE, JAYPURA HOBLI,

12. BATHULABHI, S/O LATE. MOHAMMAD USOOOF, AGED ABOUT 59 YEARS, SL.NO.49, JAYAPURA VILLAGE, JAYPURA HOBLI,

13. SHIVANNEGOWDA, S/O LINGAPPA, AGED ABOUT 50 YEARS, SL.NO.52, JAYAPURA VILLAGE, JAYPURA HOBLI,

14. MAHADEVU, S/O MAHADEVAPPA, AGED ABOUT 38 YEARS, SL.NO.55, JAYAPURA VILLAGE, JAYPURA HOBLI, - 11 -

15. GOWRAMMA, W/O M.MAHADEVAPPA, AGED ABOUT 43 YEARS, SL.NO.55, JAYAPURA VILLAGE, JAYPURA HOBLI,

16. PUTTANANJEGOWDA, S/O MADEGOWDA, AGED ABOUT 51 YEARS, SL.NO.56, JAYAPURA VILLAGE, JAYPURA HOBLI,

17. SATTIGE GOWDA, S/O LATE. SATTIGEGOWDA, AGED ABOUT 53 YEARS, SL.NO.57, JAYAPURA VILLAGE, JAYPURA HOBLI,

18. BHAGYA, W/O A.M.DEVANNA, AGED ABOUT 37 YEARS, SL.NO.68, ARASHINAKERE VILLAGE,

19. N.MAHENDRA, S/O LATE. NAGENDRAPPA, AGED ABOUT 43 YEARS, SL.NO.69, ARASHINAKERE VILLAGE,

20. N.ANANDA, S/O LATE. NAGENDRAPPA, AGED ABOUT 40 YEARS, SL. NO.70, ARASHINAKERE VILLAGE,

21. SHIVASWAMY, S/O LATE. DEVAPPA, - 12 - AGED ABOUT 41 YEARS, SL. NO.74, ARASHINAKERE, JAYPURA HOBLI,

22. P.SHIVARAJU, S/O PUTTAPPA, AGED ABOUT 42 YEARS, SL. NO.78, ARASHINAKERE VILLAGE,
23. NAGAMMA, W/O LATE. LINGARAJAPPA, AGED ABOUT 50 YEARS, SL.NO.81, ARASHINAKERE VILLAGE,
24. DEVANNA, S/O LATE. PUTTAPPA, AGED ABOUT 59 YEARS, SL.NO.82, ARASHINAKERE VILLAGE,
25. NINGANNA, S/O DEVANNA, AGED ABOUT 55 YEARS, SL.NO.83, ARASHINAKERE VILLAGE,
26. DEVANNA, S/O DEVANNA, AGED ABOUT 54 YEARS, SL.NO.84, ARASHINAKERE VILLAGE,
27. RAJANNA, - 13 - S/O PUTTAMADAIAH, AGED ABOUT 58 YEARS, SL.NO.85, ARASHINAKERE VILLAGE,
28. SIDDARAJU, S/O VAJRAIAH, AGED ABOUT 48 YEARS, SL.NO.86, ARASHINAKERE VILLAGE, MYSORE TALUK AND DISTRICT-570 008.
29. MAHADEVAPPA, S/O PUTTAMADAIAH, AGED ABOUT 59 YEARS, SL.NO.87, ARASHINAKERE VILLAGE,
30. NAGAMMA, W/O LATE. RAMANNA, AGED ABOUT 41 YEARS, SL.NO.89, ARASHINAKERE VILLAGE,
31. KARINAYAKA, S/O CHIKKAERANAYAKA, AGED ABOUT 63 YEARS, SL.NO.93, ARASHINAKERE VILLAGE,
32. CHIKKARANGAIAH, S/O LATE JAVARAIAH, AGED ABOUT 61 YEARS, SL.NO.94, ARASHINAKERE VILLAGE, - 14 -
33. SWAMY, S/O LATE. DEVAPPA, AGED ABOUT 45 YEARS, SL.NO.97, ARASHINAKERE VILLAGE,
34. DEVANNA, S/O LATE. DEVAPPA, AGED ABOUT 57 YEARS, SL.NO.98, ARASHINAKERE VILLAGE,

35. NAGARAJU, S/O POOJARI, AGED ABOUT 53 YEARS, SL.NO.99, ARASHINAKERE VILLAGE,
36. PUTTARAJANAYAKA, S/O LATE. KEMPANAYAKA, AGED ABOUT 54 YEARS, SL.NO.101, ARASHINAKERE VILLAGE,
37. NINGANNA SWAMY NAYAKA, S/O LATE. SANNANAYAKA, AGED ABOUT 59 YEARS, ARASHINAKERE VILLAGE, JAYPURA HOBBI,
38. KALASWAMAIAH, S/O LATE. NANJAIAH, AGED ABOUT 57 YEARS, SL.NO.103, ARASHINAKERE VILLAGE, - 15 -
39. NINGANNA, S/O DEVANNA, AGED ABOUT 43 YEARS, SL.NO.107, ARASHINAKERE VILLAGE,
40. NAGARAJU, S/O BEERALINGAPPA, AGED ABOUT 37 YEARS, SL.NO.112, ARASHINAKERE VILLAGE,
41. SHIVAPPA, S/O LATE KALAPPA, AGED ABOUT 65 YEARS, SL.NO.123, ARASHINAKERE VILLAGE,
42. MAHADEVASWAMY, S/O SOMANNA, AGED ABOUT 47 YEARS, SL.NO.124, BARADANAPURA VILLAGE,
43. MAHADEVAPPA, S/O LATE MURUDAPPA, AGED ABOUT 51 YEARS, SL.NO.130, BARADANAPURA VILLAGE,
44. BHAGYA, W/O BASAVANNA, AGED ABOUT 37 YEARS, SL.NO.131, BARADANAPURA VILLAGE, - 16 -
45. BASAVANNA, S/O MURUDAPPA, AGED ABOUT 59 YEARS, SL.NO. 132, BARADANAPURA VILLAGE,
46. MALLIGAMMA, W/O MAHADEVAPPA, AGED ABOUT 49 YEARS, SL.NO.133, BARADANAPURA VILLAGE,
47. BASAMMA, W/O BASAVARAJU, AGED ABOUT 47 YEARS, SL.NO.135, BARADANAPURA VILLAGE,

48. B. MAHADEVAPPA, S/O LATE BASAVANNA, AGED ABOUT 53 YEARS, SL.NO.136, BARADANAPURA VILLAGE,
49. BASAVARAJU, S/O LATE. MURUDAPPA, AGED ABOUT 53 YEARS, SL.NO.137, BARADANAPURA VILLAGE, JAYPURA HOBILI,
50. JAYAMMA, W/O NANJAPPA L, AGED ABOUT 53 YEARS, - 17 - SL.NO.139, BARADANAPURA VILLAGE,
51. L. NANJAPPA, S/O LATE DEVAPPA, AGED ABOUT 59 YEARS, SL NO.140, BARADANAPURA VILLAGE,
52. M.BHAGYA, W/O LINGARAJU.S, AGED ABOUT 47 YEARS, SL.NO. 142, BARADANAPURA VILLAGE,
53. BASAVANNA, S/O LATE DODDANANJIAH, AGED ABOUT 55 YEARS, SL.NO.146, BARADANAPURA VILLAGE,
54. KENDAGANNASWAMY, S/O ANKAPPA.M, AGED ABOUT 41 YEARS, SL.NO.147, BARADANAPURA VILLAGE,
55. M.MANJUNATH, S/O MAHADEVAPPA, AGED ABOUT 46 YEARS, SL.NO.148, BARADANAPURA VILLAGE,
56. A.MAHESH, - 18 - S/O ANKAPPA, AGED ABOUT 39 YEARS, SL.NO.149, BARADANAPURA VILLAGE,
57. DEVIRAMMA, W/O SWAMAPPA, AGED ABOUT 53 YEARS, SL.NO.153, BARADANAPURA VILLAGE,
58. BASAVANNA, S/O LATE. BASALINGAPPA, AGED ABOUT 57 YEARS, SL.NO.154, BARADANAPURA VILLAGE,
59. SUNDRAMMA, W/O LATE.JAYASHANKAR, AGED ABOUT 45 YEARS, SL.NO.156, BARADANAPURA VILLAGE,
60. SUDHAMANI, W/O SHAMBAPPA, AGED ABOUT 62 YEARS, SL.NO. 161, BARADANAPURA VILLAGE,

61. NAGARAJU.D, S/O LATE DEVARAJU, AGED ABOUT 49 YEARS, SL.NO.164, BARADANAPURA VILLAGE, MYSURU TALUK AND DISTRICT -570 008. - 19 -

62. MAHESHA.M, S/O LATE. MALLAPPA, AGED ABOUT 38 YEARS, SL.NO.165, BARADANAPURA VILLAGE,

63. PUTTAMANAMMA, W/O LATE. BASAPPA, AGED ABOUT 57 YEARS, SL.NO.166, BARADANAPURA VILLAGE,

64. DEVARAJU, S/O LATE.SHAMABHAPPA, AGED ABOUT 49 YEARS, SL.NO.168, BARADANAPURA VILLAGE,

65. MAHENDRA D, S/O LATE. DEVANNA, AGED ABOUT 51 YEARS, SL.NO.169, BARADANAPURA VILLAGE,

66. BASAVARAJEGOWDA, S/O BOREGOWDA, AGED ABOUT 59 YEARS, SL.NO.171, DARIPURA VILLAGE, JAYPURA HOBLI,

67. NAGEGOWDA, S/O LATE. BOREGOWDA, AGED ABOUT 60 YEARS, SL.NO.172, DARIPURA VILLAGE, JAYPURA HOBLI, - 20 -

68. NAGENDRA, S/O DODDABASAPPA, AGED ABOUT 40 YEARS, SL.NO.174, DARIPURA VILLAGE, JAYPURA HOBLI,

69. CHANDRAPPA, S/O PUTTANANJAPPA, AGED ABOUT 48 YEARS, SL.NO.175, DARIPURA VILLAGE, JAYPURA HOBLI,

70. PUTTAPPA, S/O LATE ANKAPPA, AGED ABOUT 48 YEARS, SL.NO.175, DARIPURA VILLAGE, JAYPURA HOBLI,

71. BASAVAIAH @ PUTTASWAMAPPA, S/O PUTTABASAVAIAH, AGED ABOUT 53 YEARS, SL.NO.176, DARIPURA VILLAGE, JAYPURA HOBLI,

72. MANJULA M.P., W/O T.B.MANJUNTH, AGED ABOUT 49 YEARS, SL. NO.179, DARIPURA VILLAGE, JAYPURA HOBLI,

73. NINGAMMA, W/O LATE MUDEGOWDA, AGED ABOUT 59 YEARS, SL.NO.180, DARIPURA VILLAGE, JAYPURA HOBLI,
74. BASAPPA, S/O NINGAPPA, AGED ABOUT 43 YEARS, SL.NO.181, DARIPURA VILLAGE, JAYPURA HOBLI, - 21 -
75. SHAMBHAPPA, S/O BASAPPA, AGED ABOUT 55 YEARS, SL.NO.182, DARIPURA VILLAGE, JAYPURA HOBLI,
76. CHIKKARATHNAMMA, W/O ERANNA, AGED ABOUT 53 YEARS, SL.NO.184, DARIPURA VILLAGE, JAYPURA HOBLI,
77. SUSHEELAMMA, W/O NAGEGOWDA, AGED ABOUT 49 YEARS, SERIAL NO.54, JAYAPURA, JAYAPURA HOBLI,
78. NINGAMMA, W/O SANNAPPA, AGED ABOUT 63 YEARS, SERIAL NO.58, KELLAHALLI VILLAGE, JAYAPURA
79. NINGAMMA, W/O SANNAPPA, AGED ABOUT 69 YEARS, SERIAL NO.60, KELLAHALLI VILLAGE, JAYAPURA
80. DEVAMMA, W/O SHIVANNEGOWDA, AGED ABOUT 65 YEARS, SERIAL NO.61, KELLAHALLI VILLAGE, JAYAPURA
81. SANTHOSH KUMAR, S/O LATE SANNEGOWDA, AGED ABOUT 39 YEARS, SERIAL NO.62, KELLAHALLI VILLAGE, JAYAPURA - 22 -
82. NAGEGOWDA, S/O LATE MADEGOWDA, AGED ABOUT 49 YEARS, SERIAL NO.63, KELLAHALLI VILLAGE, JAYAPURA HOBLI,
83. SHIVANNA, S/O CHIKKODIGOWDA, AGED ABOUT 53 YEARS, SERIAL NO.65, KELLAHALLI VILLAGE, JAYAPURA HOBLI, ...PETITIONERS (BY SRI RAJU C N, ADVOCATE) AND:
1. THE STATE OF KARNATAKA, DEPARTMENT OF CO-OPERATION, M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI, BENGALURU-560 001, REP. BY ITS SECRETARY.

2. THE STATE CO-OPERATIVE ELECTION AUTHORITY, 3RD FLOOR, T.T.M.C. 'A' BLOCK, SHANTHI NAGARA, K.H.ROAD, BENGALURU-560 027, REP. BY ITS COMMISSIONER.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN KARNATAKA, NO1. ALI ASKAR ROAD, BENGALURU-560 001.

4. THE ELECTION OFFICER AND JOINT REGISTRAR OF CO-OPERATIVE SOCIETY, MYSORE DIVISION, MYSORE, - 23 - PUBLIC OFFICERS, BUILDING, OPP. CORPORATION OFFICE, NEW SAYAJI RAO ROAD, MYSORE-570 024.

5. RETURNING OFFICER, JAYAPURA LARGE SCALE CREDIT AGRICULTURAL SERVICE CO-OPERATIVE SOCIETY LTD., MYSORE TALUK, PIN CODE-562 149.

6. JAYAPURA LARGE SCALE CREDIT AGRICULTURAL SERVICE CO-OPERATIVE SOCIETY LTD., MYSORE TALUK, REP. BY ITS MANAGER. (CO-OPERATION INSTITUTION REGISTERED UNDER THE PROVISIONS OF KARNATAKA CO-OPERATIVE SOCIETIES ACT, 1959 AND RULES, 1960 ...RESPONDENTS

(BY SRI YOGESH D NAIK, AGA FOR R-1, R-3 TO R-5; SRI T.L KIRAN KUMAR, ADVOCATE FOR R-2; SMT. NAYANASHREE.A.K, ADVOCATE FOR R-6) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 TO 6 PERMIT THE PETITIONERS TO EXERCISING THEIR VOTE IN THE ELECTION TO BE HELD ON 23.02.2025 VIDE ANNEXURE-A TO THE BOARD OF DIRECTORS OF THE R-6. THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE K.S. HEMALEKHA - 24 -

ORAL ORDER

The petitioners in both the petitions are seeking for the following prayers:- "Issue a writ of mandamus directing the respondent No.2 to 6 permit the petitioners to exercising their vote in the election to be held on 23.02.2025 vide Annexure-A" to the Board of Directors of the 6th respondent.

2. This Court by way of an interim arrangement permitted the petitioners to cast their votes in the ensuing election scheduled on 23.02.2025 subject to final outcome of these petitions.

3. Heard Sri.Raju C.N. learned counsel for the

petitioners, Sri.Yogesh D. Naik, learned AGA for respondent Nos.1, 3 to 5, Sri.T.L. Kiran Kumar, learned counsel for respondent No.2 and Sri.Nayanashree A.K., learned counsel for respondent No.6. - 25 -

4. Counsel for the petitioners submits that the election has been held as scheduled on 23.02.2025 and the petitioners have cast their votes.

5. Reiterating various contentions raised in the

writ petition, it is mainly urged that the petitioners have been included in the ineligible voters list on the ground that the petitioners have not attended the AGM meeting and not availed the minimum services as per the provisions under Section 20 (2) (a-iv) (a-v). Learned counsel for the petitioners submits that due to Covid-19 Pandemic, the petitioner could not participate in the meeting and availed minimum service as required under the provisions of the Act.

6. Learned counsel for the respondent-society

fairly submits that the prescribed meeting as envisaged under the Act had not taken place due to Covid-19 Pandemic. It is submitted that the petitioners were permitted to take part in the elections and the votes cast by them to be included in the announcement of results. - 26 -

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).

8. This Court in the case of Sri. B Ganganna and

others Vs. The State of Karnataka, Department of Co Operation and others² (B Ganganna) has observed that if is an exceptional case is made out, the writ petition under Article 226 can be exercised, the petitioners have not made out any exceptional case for this Court to interfere under Article 226, without expressing any opinion on the eligibility or ineligibility of the voters list prepared 2022 (4) AKR 775 ILR 2024 KAR 1901 - 27 - and the same being a disputed question of fact, the parties are at liberty to approach the appropriate authority under Section 70 (2) (c) of the Act and hence, this Court pass the following:

ORDER

i. Writ petitions are 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 23.02.2025.

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 - 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 - society. - 28 - 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-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 NR/- List No.: 1 SI No.: 31

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