

D V Uma vs the State of Karnataka

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Court : Karnataka

Decided On : Jun-05-2025

Judge : Suraj Govindaraj

Appeal No. : WP/14839/2025

Appellant : D V UMA

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2025 BEFORE THE HON'BLE
MR JUSTICE SURAJ GOVINDARAJ WRIT PETITION NO.14839 OF
2025 (CS-EL/M) BETWEEN:

1. D.V.UMA W/O.N.J.RAVIKUMAR AGED ABOUT 47 YEARS SL.NO.1,
SHARE NO.9
2. NAGARATHNA W/O.UDAYAKUMAR AGED ABOUT 55 YEARS
SL.NO.3, SHARE NO.49

3. ASHALATHA Digitally signed W/O.N.S.NANDISH

by SHWETHA

AGED ABOUT 46 YEARS RAGHAVENDRA

KARNATAKA SL.NO.4, SHARE NO.83

4. B.NIRMALA W/O.N.K.SUDHEER AGED ABOUT 51 YEARS SL.NO.5,
SHARE NO.88 -2-

5. MUBEEN TAJ W/O.SANAULLA AGED ABOUT 63 YEARS SL.NO.6,
SHARE NO.186

6. SAVITHRI W/O.SHANKARANNA AGED ABOUT 41 YEARS SL.NO.8,
SHARE NO.197

7. RAJAMMA W/O.PUTTARAJU AGED ABOUT 58 YEARS SL.NO.10,
SHARE NO.204

8. VARALAKSHMI W/O.CHIKKATHIMMAIAH AGED ABOUT 55 YEARS
SL.NO.15, SHARE NO.233

9. MAHADEVAMMA W/O.RAMASETTY AGED ABOUT 70 YEARS
SL.NO.19, SHARE NO.251

10. NOORJAN W/O.ABDUL RASHEED -3- AGED ABOUT 80 YEARS
SL.NO.21, SHARE NO.258

11. LAKSHMAMMA W/O.RAMAIAH AGED ABOUT 72 YEARS
SL.NO.22, SHARE NO.265

12. SARASWATHI W/O.RAMAIAH AGED ABOUT 57 YEARS SL.NO.23,
SHARE NO.272

13. SHANTHAMMA W/O.RANGASWAMY AGED ABOUT 49 YEARS
SL.NO.26, SHARE NO.303

14. T.G.SUMITHRA W/O.N.S.NAGARAJU AGED ABOUT 50 YEARS
SL.NO.29, SHARE NO.322

15. HASEENA B. W/O.BABU AGED ABOUT 47 YEARS -4- SL.NO.31,
SHARE NO.326

16. RUKMINI W/O.N.T.SRIRANGARAJU AGED ABOUT 46 YEARS
SL.NO.32, SHARE NO.330

17. CHIKKAMMA W/O.RANGANNA AGED ABOUT 44 YEARS
SL.NO.35, SHARE NO.341

18. B.MANJULA W/O.DIVAKARA AGED ABOUT 40 YEARS SL.NO.36,
SHARE NO.348 PETITIONERS (BY SRI K.A.CHANDRASHEKARA,
ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF CO-OPERATION
M.S.BUILDING DR.B.R.AMBEDKAR VEEDHI BENGALURU-560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY -5-

2. THE STATE CO-OPERATIVE ELECTION AUTHORITY 3rd FLOOR,
T.T.M.C. 'A' BLOCK, SHANTHI NAGAR BENGALURU-560 027
REPRESENTED BY ITS SECRETARY

3. DISTRICT ELECTION OFFICER AND DEPUTY REGISTRAR OF CO-
OPERATIVE SOCIETIES MANDYA DISTRICT MANDYA-571 421

4. RETURNING OFFICER MARUTHIPURA MILK PRODUCERS
MAHILA CO-OPERATIVE SOCIETY LTD. KASABA HOBLI
NAGAMANGALA TALUK

5. MARUTHIPURA MILK PRODUCERS MAHILA CO-OPERATIVE
SOCIETY LTD. KASABA HOBLI NAGAMANGALA TALUK
REPRESENTED BY ITS SECRETARY RESPONDENTS (BY SRI
YOGESH D.NAIK, AGA FOR R-1 TO R-4; SRI SIDDARTH
B.MUCHANDI, ADVOCATE FOR R-5) THIS WRIT PETITION IS FILED

UNDER ARTICLES 226

AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING RESPONDENT NOS.2 TO 5 TO PERMIT THE PETITIONER TO EXERCISE THEIR VOTES IN THE ELECTION TO BE HELD ON 22.05.2025 VIDE ANNEXRE-A TO THE BOARD OF DIRECTORS OF RESPONDENT NO.5. THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: -6- CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. This Court by way of various interim orders had

permitted the petitioners who were declared to be ineligible voters to cast their vote in the elections of the Society, subject to the result of the writ petition and that the votes cast by the petitioners shall be kept in separate ballot boxes.

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

H.S.Raju vs. State of Karnataka & others¹ has 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 W.P.No.8502/2022 dated 7.6.2022 -7- Karnataka Co-operative Societies Act, 1959 after the announcement of the results by counting even the votes cast by the petitioners.

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 in this matter is directed to announce the result within seven days from the date of receipt of a copy of this order by taking into account the votes cast by the petitioners. 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 -8- for consideration in accordance with the applicable law, this Court has not expressed any opinion on those issues. iv) The votes cast by the respective petitioners 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 LB List No.: 1 SI No.: 74

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