

Komala vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Nov-03-2025

Judge : M G UMA

Appeal No. : WP/32070/2025

Appellant : Komala

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025 BEFORE THE HON'BLE MRS. JUSTICE M G UMA WRIT PETITION NO. 32070 OF 2025 (CS-EL/M) BETWEEN:

1. KOMALA W/O PUTTEGOWDA AGED ABOUT 52 YEARS, DELEGATE OF KEKKERI PRIMARY AGRICULTURE CREDIT CO OPERATIVE SOCIETY LTD.,
2. KEKKERI PRIMARY AGRICULTURE CREDIT CO OPERATIVE SOCIETY LTD., (SOCIETY REGISTERED UNDER THE KARNATAKA

CO OPERATIVE SOCIETIES ACT 1959) PETITIONERS Digitally signed (BY SRI. SANDESH T.B., ADVOCATE) by PRASHANTH NV Location: High AND: Court of Karnataka 1. THE STATE OF KARNATAKA, DEPARTMENT OF COOPERATION, M S BUILDING DR. B R AMBEDKAR VEEDHI, BENGALURU 560001. REPRESENTED BY ITS PRINCIPAL SECRETARY

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

3. DISTRICT ELECTION OFFICER AND DEPUTY COMMISSIONER MANDYA DISTRICT MANDYA - 571 401.

4. THE ELECTION OFFICER AND ASSISTANT COMMISSIONER MANDYA SUB DIVISION, MANDYA 571401.

5. MANDYA DISTRICT CENTRAL MARKET ROAD, MANDYA 571401. REPRESENTED BY ITS MANAGING DIRECTOR (SOCIETY REGISTERED UNDER THE KARNATAKA CO OPERATIVE SOCIETIES ACT 1959)

6. THE RETURNING OFFICER MANDYA DISTRICT CENTRAL MARKET ROAD MANDYA 571401. (SOCIETY REGISTERED UNDER THE KARNATAKA CO OPERATIVE SOCIETIES ACT 1959)

RESPONDENTS (BY SRI. YOGESH .D. NAIK, AGA FOR R1, 3, 4, & 6 SRI. A. DEVARAJ, ADVOCATE FOR R2) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I. ISSUE A WRIT

NATURE OF CERTIORARI TO QUASHING THE IMPUGNED ORDER

DATED 11.08.2025 PASSED BY THE RESPONDENT NO.2 VIDE ANNEXURE-G. IN THE INTEREST OF JUSTICE AND EQUITY. AND ETC., THIS WRIT

PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA -3-

ORAL ORDER

Heard learned counsel for the petitioners and learned Additional Government Advocate for respondents No.1, 3, 4 and 6.

2. Petitioner No.1 being the member of the petitioner

No.2 Society, has approached this Court seeking issuance of writ in the nature of Certiorari, to quash the order dated 11.08.2025 passed by respondent No.2, produced as per Annexure-G.

3. The election for the society was held on 02.11.2025. As

per the interim order, petitioner No.1 was permitted to cast vote in the election that was held on 02.11.2025, subject to the final outcome of the petition. It is ordered that petitioner No.1 shall not claim any equities in this regard. Pursuant to the interim order, petitioner No.1 has exercised her right and cast vote.

4. Since the petitioners are challenging Annexure-G, they

will have the alternative remedy to raise the dispute under Section 70 of the Karnataka Co-operative Societies Act (for short, 'the KCS Act') before the appropriate authority. Under -4- such circumstances, nothing is required to be considered by this Court bypassing Section 70 of the KCS Act. Hence, the petition is disposed off, reserving liberty to the petitioners to approach the appropriate authority, raising dispute under Section 70 of the KCS Act, within ten days from today. The Returning Officer-Respondent No.6 is directed to declare the election result without counting the vote cast by petitioner No.1. Sd/- (M G UMA) JUDGE MKM CT:VS List No.: 2 SI No.: 25