

P Manjunath vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-01-2024

Judge : Hemant Chandangoudar

Appeal No. : WP/100192/2024

Appellant : P Manjunath

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 1ST DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR WRIT PETITION NO. 100192 OF 2024 (CS-RES) BETWEEN: P. MANJUNATH S/O. VIRUPAKSHAGOUDA, AGED 48 YEARS, OCC. AGRICULTURE, R/O. U. BEVINAHALLI, POTAKATTE POST TQ. HARAPANAHALLI-583125 DIST. VIJAYANAGAR. PETITIONER (BY SRI. S.S.BETURMATH, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, CO-OPERATIVE DEPARTMENT, VIKAS SOUDHA, BENGALURU- 560 001

2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
HARAPANAHALLI SUB-DIVISION HARAPANAHALLI-583131.

3. AUTHORIZED OFFICER AND CO-OPERATIVE DEVELOPMENT
OFFICER, THE PRIMARY AGRICULTURAL

SUJATA

CREDIT CO-OPERATIVE SOCIETY LTD.

Digitally signed by

SUJATA SUBHASH

4.

THE PRIMARY AGRICULTURAL CREDIT

21:31:56 -0800 DIST: VIJAYANAGAR BY ITS CHIEF EXECUTIVE
OFFICER

5. T. MANJAPPA S/O HANAMATAPPA,

6. SAYYEDRIYAZ S/O MOHAMMED HANEEFSAB, AGE: 48 YEARS,
OCC: BUSINESS, -2-

7. M. KARADEPPA S/O KENCHAHANAMAPPA, AGE: 47 YEARS, OCC:
AGRICULTURE,

8. K. NAGARAJ S/O MARULASIDDANAGOUDA

9. SMT. PRAMEELADEVI W/O VAMDEVAPPA AGE: 45 YEARS, OCC:
HOUSEHOLD WORK,

10. KHANDERAO S/O K. HANAMATRAO R/O. UCHCHANGIDURGA,
TQ. HARAPANAHALLI- 583125.

11. NEELANAYAK S/O CHANDRA NAIK
R/O.RAMANAGATTADODDATANDA TQ. HARAPANAHALLI- 583125.
DIST: VIJAYANAGAR.

12. SMT. H. NANDINI W/O H. JAYAPPA

AGE: 50 YEARS, OCC: HOUSEHOLD WORK, RESPONDENTS (BY
SRI. V.S.KALASURMATH, HCGP FOR R1 AND R2, SRI.IRANAGOUDA

K. KABBUR, ADV. FOR R5 TO R10 AND R12) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION TO QUASH ENTIRE PROCEEDINGS OF INITIATION OF NO-CONFIDENCE MOTION MOVED AGAINST THE PETITIONER BY THE RESPONDENT NO.3 BY ISSUING NOTICE DATED 02/01/2024 AND FIXING THE DATE OF NO-CONFIDENCE MOTION ON 13/01/2024 VIDE ANNEXURE-B.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -3- This petition is filed challenging the notice dated 02.01.2024 issued by the respondent No.3 fixing the date of No Confidence Motion on 13.01.2024.

2. Heard the learned counsel for the parties.

3. Sub clause (4) of the Rule 14-AKK of the Karnataka Co-

operative Societies Rules, 1960, mandates that the Authorized Officer shall give a notice of not less than fifteen clear days of such meeting to all elected members of the Board. In the instant case, only thirteen days is provided convening the meeting for moving the No Confidence Motion against the petitioner which is in violation of sub clause (4) of Rule 14-AKK of the Rules, 1960. Therefore, the impugned notice which is issued by the respondent No.3 is contrary to the said Rule, and not sustainable in law. Accordingly, I pass the following:

(i) Writ petition is allowed.

(ii) The impugned notice dated 02.01.2024 issued by the respondent No.3 at annexure - B is hereby quashed.

(iii) Liberty is reserved with the members of the Board of the

respondent No.4 - Society to move a fresh No -4- Confidence Motion against the petitioner, if so advised, in accordance with law. Sd/- JUDGE RSH / CT: GSM.

LIST NO.: 1 SL NO.: 6

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