

(2025) 01 KAR CK 0043

Karnataka High Court At Bengaluru

Case No: Writ Petition No. 2749 Of 2025 (CS-EL/M)

Ramesha R & Ors.

APPELLANT

Vs

State Of Karnataka & Ors

RESPONDENT

Date of Decision: Jan. 31, 2025

Acts Referred:

- Karnataka Co-Operative Societies Act, 1959 - Section 106

Hon'ble Judges: K.S. Hemalekha, J

Bench: Single Bench

Advocate: Prabhuling Navadagi, Jayakumar S Patil, Devi Prasad Shetty, Prathima Honnapura, Yogesh D Naik, T.L. Kiran Kumar

Final Decision: Disposed Of

Judgement

K.S. Hemalekha, J

1. The petitioners are seeking for the following prayer:

a) Issue writ of certiorari to quash the order passed by the 3rd respondent joint registrar of co-operative society dated 27.01.2025 in GARB/Dava/Appeal/01/2024-25 as per Annexure-G.

b) Issue any other appropriate order or direction as this Hon'ble Court deemed fit and proper, in facts and circumstances of the case and allow this writ petition in the ends of justice.

2. Petitioners claim to be the members of the 6th respondent - The Primary Agriculture and Co-operative Societies Rural Development Bank at Chikkaballapura (hereinafter referred to as "Society" For Short)

3. Facts leading to filing of the writ petition is that, the general body meeting was conducted on 21-9-2025 with regard to fixing of reservation, as per

the agenda No.11, a resolution was passed by the majority of members changing the reservation of the 4 constituencies, the resolution was forwarded to respondent no 4 for approval.

4. The case of the petitioner is that the respondent No.4 on being satisfied that while amending the bye-law, the required procedures have been followed, the approval to amendment was allowed on 8.01.2025 and digital approval was updated on 27.01.2025. The returning officer -respondent No.5 notified the calendar of events on 24.01.2025, wherein the reservations were maintained according to the bye-law of the Society dated 08.01.2025.

5. The respondent Nos.6 to 10 filed appeal under Section 106 of the Karnataka Co-operative Societies Act, 1959 challenging the validity and the correctness of the amendment effected by the bye-law dated 08.01.2025 before the Joint Registrar- Respondent No.3, the Joint registrar granted an interim order staying the operation of the amendment, impugning the order of stay, petitioner is before this court.

6. Learned Senior counsel for the petitioner Prabhuling Navadgi submitted that the amendment was given effect to by the Returning Officer by notifying in the calendar of events published on 24.01.2025 and the interim order granted by the joint registrar, the election process has been interrupted illegally without an authority of law. He submits that the election proceedings needs to be continued as per the calendar of events by maintaining status quo ante which prevailed prior to the approval of the amendment of the Bye-Laws.

7. Learned Senior Counsel, Jayakumar S Patil appearing for the caveator respondents pleads foul played by the Society and the Managing Committee and tampering of the resolution passed on 21.09.2024, he submits that if the election proceeding is continued as per the status quo ante before the amendment of Bye-Law, the caveator respondents has no objection to conclude the election proceedings.

8. Submission of the learned Senior Counsels is taken on record.

9. The writ petition is disposed of on the following terms;

(i) The returning officer to conduct the election as per the calendar of events published on 24.01.2025 publishing the corrigendum stating that the

election would be conducted as per the old Bye-Law, which prevailed i.e., status quo ante before the amendment .

(ii) If necessary, the returning officer to reschedule the dates both for the nomination and date of poll, but not beyond 4 days from the date of the original date of poll scheduled i.e., 09.02.2025.

(iii) As parties are before respondent No 3, all the contentions are kept open

(iv) No merits / demerits are expressed by this Court, any observation made is only to the limited extent of considering this writ petition.

(v) Operative portion to be furnished to the learned AGA.