

RESERVED ON 1ST APRIL 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 131 OF 2026 (CS-EL/M)



BETWEEN:

1. SRI SANTOSH KUMAR T.C.
S/O LATE CHIKKONU
AGED ABOUT 41 YEARS
PRESIDENT /DELEGATE OF
SHRI THYLURAMADEVU POULTRY
FARMERS CO-OP SOCIETY LTD.,
THYULURU ATHAGUURU HOBLI
MADDUR TALUK, MANDYA 571401

...APPELLANT

(BY SRI D R RAVISHANKAR, SENIOR ADVOCATE FOR
SRI SARAVANA S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF CO-OPERATION
VIDHANA SOUDHA
DR B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE STATE CO-OP ELECTION AUTHORITY
3RD FLOOR, TTMC 'A' BLOCK
SHANTHINAGAR
BENGALURU - 560 027
REPT. BY ITS SECRETARY
3. THE DISTRICT ELECTION OFFICER
CUM DEPUTY COMMISSIONER



BENGALURU DISTRICT
KANDAYA BHAVANA
BENGALURU - 560 001

4. THE RETURNING OFFICER
KARNATAKA CO-OPERATIVE
POULTRY FEDERATION LTD.,
BEHIND PASHUPALANA BHAVANA
HEBBAL, BENGALURU - 560 024
5. KARNATAKA CO-OP POULTRY
FEDERATION LTD.
BEHIND PASHUPALANA BHAVANA
HEBBAL, BENGALURU - 560 024,
REPT. BY ITS MANAGING DIRECTOR
REGD. UNDER CO-OP SOCIETIES ACT 1959
6. SHRI AANJANEYA POULTRY FARMING
CO-OP SOCIETY, KANCHAMARANAHALLI
HASSAN TALUK
HASSAN DISTRICT - 573 201
REPT. BY ITS CEO
7. SHRI AANJANEYASWAMY
POULTRY FARMING AND MARKETING
CO OPERATIVE SOCIETY
MADAGERE, ALURU TALUK
HASSAN DISTRICT - 573 201
REPT. BY ITS CEO
8. SHRI TIRUPATHI POULTRY FARMING
AND MARKETING CO-OPERATIVE SOCIETY
BETTADAHALLI, ALURU TALUK
HASSAN DISTRICT-573201
REPT. BY ITS CEO
9. SHRI HARIHARESHWARA POULTRY
FARMING CO-OPERATIVE SOCIETY
HALASINAHALLI, HASSAN DISTRICT - 573201
REPRESENTED BY ITS CEO
10. SHRI AANJANEYA POULTRY
FARMING AND MARKETING

CO-OP SOCIETY
BEEKANAHALLI
HASSAN DISTRICT - 573 201
REPT. BY ITS CEO

11. SHRI DEVIRAMMA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
KINDIPURA, HASSAN TALUK - 573 201
REPT. BY ITS CEO
12. SHRI VENKATARAMANASWAMY POULTRY
FARMING CO OPERATIVE SOCIETY
DYAVANAPPAN KOPPALU
HASSAN TALUK
HASSAN - 573 201
REPT. BY ITS CEO
13. SHRI KALIKAMBADEVI POULTRY FARMING
CO OPERATIVE SOCIETY, HARUVANAHALLI
HASSAN TALUK, HASSAN DISTRICT - 573 201.
REPRESENTED BY ITS CEO
14. SHRI VENKATESHWARA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
UDDURAHALLI, HASSAN TALUK
HASSAN DISTRICT - 573 201
REPRESENTED BY ITS CEO
15. SHRI DODDAMMA-CHIKKAMMA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
TAMLAPURA, HASSAN TALUK
HASSAN DISTRICT - 573 201
REPT. BY ITS CEO
16. SHRI AANJANEYA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
DODDAKONDAGULA
HASSAN TALUK - 573201
REPT. BY ITS CEO

17. YAGACHI POULTRY FARMING
CO OPERATIVE SOCIETY
HALUVVAGILU, HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

18. SHRI DYAVAMMA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
B. KATIHALLI KOPPALU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

19. SHRI KARIBEERESHWARA POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY
MAHADEVARAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

20. SHRI AANJANEYASWAMY POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
CHIKKAHONNENAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

21. SHRI AAJANEYASWAMY POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
ALADAHALLI KOPPALU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

22. SHRI AANJANEYASWAMY POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, KUPPALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

23. SHRI JAI MARUTHI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY

KALATAMMANAHALLI
HASSAN TALUK - 573201
REPRESENTED BY ITS CEO

24. SHRI BASAWESHWARA SWAMY
POULTRY FARMING AND MARKETING
CO OPERATIVE SOCIETY, MAVINAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
25. SHRI PURADAMMAKOLI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, MUTTATTI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
26. SHRI MALALIYAMMA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
HALEKOPPALU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
27. SHRI CHIKKIRANGANATHASWAMY
POULTRY FARMING AND MARKETING
CO OPERATIVE SOCIETY, MUTTATTI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
28. SHRI LAKSHMIVENKATESHWARASWAMY
POULTRY FARMING AND MARKETING
CO OPERATIVE SOCIETY
MARAGONDANAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
29. SHRI ANJANEYA POULTRY FARMING
CO-OPERATIVE SOCIETY
TAVARADEVARAKOPPALU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

30. SHRI RANGANATHASWAMY
POULTRY FARMING
CO OPERATIVE SOCIETY
JAKKENAHALLI, HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
31. SHRI ANJANEYASWAMY POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
H. HARALALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
32. SHRI DYAVAMMA POULTRY FARMING
AND MARKETING CO OPERATIVE SOCIETY
DASARAKOPPALLU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
33. SHRI LAKSHMIDEVI POULTRY FARMING
CO OPERATIVE SOCIETY
GYARAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
34. SHRI KANNAMBADIAMMA POULTRY FARMING
AND MARKETING CO OPERATIVE SOCIETY
CHIKKAKONDAGULA KOPPALU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
35. SHRI MAARIKAMBA POULTRY FARMING
AND MARKETING CO OPERATIVE SOCIETY
HERAGU, HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
36. SHRI KARYASIDDI ANJANEYASWAMY
POULTRY FARMING AND
MARKETING CO OPERATIVE SOCIETY
DEVARAYAPATTANA
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

37. SHRI CHANNAKESHAVASWAMI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
GUDUGUNAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
38. SHRI VENKATESHWARASWAMY
POULTRY FARMING AND MARKETING
CO OPERATIVE SOCIETY, AGALAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
39. SHRI KAMBALAMMA POULTRY FARMING
AND MARKETING CO OPERATIVE SOCIETY
NAYAKARAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
40. SHRI BEERALINGESHWARA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, SUNDENAHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
41. SHRI JAI MARUTHI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, UDDURU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
42. SHRI ANJANEYA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, CHATTANHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
43. SHRI VEERANJANEYA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, TEJURU
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO

44. SHRI HOYSALA POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, ADAGURU
BELURU TALUK - 573 201
REPRESENTED BY ITS CEO
45. SHRI MARUTHI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, ATTIHALLI
HASSAN TALUK - 573 201
REPRESENTED BY ITS CEO
46. SHRI LAKSHMIDEVI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, KODIGARAHALLI
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO
47. SHRI LAKSHMIDEVI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY
DODDAKANAGALU
ALURU TALUK 573 201
REPRESENTED BY ITS CEO
48. SHRI ANJANEYASWAMY POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, GANJIGERE
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO
49. SHRI MARAMMASWAMI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, HALUVALLI
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO
50. SHRI SANJEEVARAYASWAMY POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, YAREHALLI
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO

51. SHRI BASAVESHWARASWAMI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, KAARJUVALLI
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO
52. SHRI VEERABHADRESHWARASWAMI
POULTRY FARMING AND MARKETING
CO OPERATIVE SOCIETY, NAKALAGUDU
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO
53. SHRI RANGANATHASWAMI POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, BYRAPURA
ALURU TALUK - 573 201
REPRESENTED BY ITS CEO
54. SHRI PUSHPAGIRI POULTRY FARMING
AND MARKETING CO OPERATIVE SOCIETY
SANKIHALLI, ARASIKERE TALUK - 573 201
REPRESENTED BY ITS CEO
55. KANAKANAGARA NATIVE POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, KANAKANAGARA
NANJANAGUDU TALUK
MYSORE DISTRICT - 570 023
REPT. BY ITS CEO
56. IMMAVU NATIVE POULTRY AND
MARKETING CO OPERATIVE SOCIETY
IMMAVU, NANJANAGUDU TALUK
MYSORE - 571 302
REPT. BY ITS CEO
57. DEVANURU NATIVE POULTRY
FARMING AND MARKETING
CO OPERATIVE SOCIETY, DEVANURU
NANJANAGUDU TALUK
MYSORE - 571 119
REPT. BY ITS PRESIDENT

58. MOODABASAWESHWARA NATIVE
POULTRY FARMING AND MARKETING
CO-OPERATIVE SOCIETY, DODDAHUNDI
JAYAPURA HOBLI
MYSORE TALUK, MYSORE - 570 008
REPT. BY ITS PRESIDENT
59. MARALURU NATIVE POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY
MARALURU, NANJANAGUDU TALUK
MYSORE - 570 008
REPT. BY ITS PRESIDENT
60. SHRI MANJUNATHA NATIVE POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY
MARADIHUNDI, NANJANAGUDU TALUK
MYSORE - 571 301
REPT. BY ITS PRESIDENT
61. GONALLI MARAMMA NATIVE POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY,
KABBALAGEREHUNDI
NANJANAGUDU TALUK
MYSORE - 571 302
REPT. BY ITS PRESIDENT
62. TANDAVESHWARA NATIVE POULTRY
FARMING CO-OPERATIVE SOCIETY
MALLANAYAKANAHALLI
DUDDA HOBLI, MANDYA TALUK
MANDYA - 571 401
REPT. BY ITS PRESIDENT
63. TANDAVAPURA NATIVE POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY, TANDAVAPURA,
NANJANAGUDU TALUK
MYSORE - 571 302
REPT. BY ITS PRESIDENT

64. HAROHALLI NATIVE POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY, HAROHALLI
MYSORE TALUK, MYSORE - 570 028
REPT. BY ITS PRESIDENT
65. SHRI BASAWESHWARA NATIVE POULTRY
FARMING AND MARKETING
CO-OPERATIVE SOCIETY
BASAVANAPURA, NJANAGUDU TALUK
MYSORE - 571 301
REPT. BY ITS PRESIDENT
66. HALLIDIDDI NATIVE POULTRY FARMING
AND MARKETING CO-OPERATIVE SOCIETY
HALLIDIDDI, NANJANAGUDU TALUK
MYSORE - 570 301
REPT. BY ITS PRESIDENT
67. NAMMA MYSURU NATIVE POULTRY
PRODUCERS CO-OPERATIVE SOCIETY
DODDAKONDAGULA
MYSURU - 571 301
REPT. BY ITS CHIEF PROMOTER

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG, ALONG WITH
SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1,R-3 & R-4;
SRI LIKITH R. PRAKASH, ADVOCATE FOR R-5;
SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE FOR
SRI SUMANTH KUMAR S. PATIL, ADVOCATE FOR R-6 TO R-30 &
R-33;
SMT. MONICA PATIL, ADVOCATE FOR R-31 TO R-54;
SRI M.R. RAJAGOPAL, SENIOR ADVOCATE FOR
SRI P. ANAND, ADVOCATE FOR C/R-7, R-55 TO R-61 &
R-63 TO R-67)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.
No.39397/2025, DATED 19.01.2026 AND CONSEQUENTLY ALLOW
THE PETITION FILED BY THE APPELLANT IN THE ENDS OF JUSTICE
& ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

C.A.V. JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed this intra-court appeal impugning an order dated 19.01.2026 [**impugned order**] passed by the learned Single Judge of this Court in W.P.No.39397/2025 (CS-EL/M).
2. The appellant had filed the said writ petition, *inter alia*, praying that respondents No.6 to 67 Societies be declared as disqualified from voting to elect the office-bearers of respondent No.5 Society.
3. The elections to the Board of Directors of the respondent No.5 Society, which is an Apex Society, were held on 06.01.2026, pursuant to the election notification dated 13.11.2025 and the calendar of events dated 20.12.2025. The appellant is the President/delegate of Shri. Thyluramadevi Poultry Farmers Co-op Society Ltd., Thyuluru, which is a primary co-operative society registered under the Karnataka Co-operative Societies Act, 1959

[**KCS Act**]. The said Society is a member of the respondent No.5 Society, which, as stated before, is an Apex Society. The appellant contested for the post of Director in the elections held on 06.01.2026.

4. Respondents No.6 to 67 are the Primary Co-operative Societies registered under the KCS Act and are members of the respondent No.5 Society. Notwithstanding that they were members of the respondent No.5 Apex Society, their names were not included in the list of eligible voters. Accordingly, they filed writ petitions, being W.P.No.38066/2025 and W.P.No.38042/2025, claiming to be eligible to vote for electing the Board of Directors of the respondent No. 5 Society by virtue of the Government Order dated 29.05.2025 [hereafter "**the GO**"] issued under Section 121 of the KCS Act, whereby the disqualification as provided under Section 20(2)(a-iii) of the KCS Act was relaxed. The said petitions were disposed of with a direction to the respondent No.5 Society to consider their representations in the light of the said GO.

5. Thereafter, respondent No.5 issued a delegation/ representative form to respondents No.6 to 67 and included them among the eligible voters. According to the appellant, the GO is

inapplicable to respondents No.6 to 67 societies. The appellant claims that since Respondent No. 5 is an Apex Society, the GO does not relax the ineligibility criterion under Section 20(2)(a-iii) of the KCS Act for such societies.

6. The appellant contends that the Primary Co-operative Societies that were formed and registered less than a year prior to the election of the office bearers of a federal society are ineligible to vote. However, in terms of the GO, the said condition had been relaxed. According to the appellant, the GO is inapplicable for election to an Apex Society as defined under Section 2(a) of the KCS Act and its benefit is confined to Federal Societies that are not Apex Societies.

7. The learned Single Judge did not accept the appellant's contention and accordingly dismissed the appellant's writ petition as well as W.P.No.38350/2025 (CS-EL/M), which raised a similar issue. Apart from dismissing the writ petitions, the learned Single Judge set aside the declaration of results made by respondent No.5 and directed the Returning Officer to count the votes of respondent Nos.6 to 67 and to declare the result of the election afresh.

8. As is apparent from the above, the dispute in the present appeal lies in a narrow compass. The only question to be addressed is whether the GO is applicable to elections to an Apex Society.

9. At this stage, it is relevant to refer to Section 2(a) and 2(e-4) of the KCS Act, which define the terms Apex Society and Federal Society. The said clauses are set out below.

"2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) '**Apex Society**' means a federal society whose area of operation extends to the whole of the State;

*** *** *** ***

(e-4) "**Federal Society**" means a co-operative society, the membership of which is not open to individuals."

10. As is apparent from the aforesaid definitions, a Federal Society is a co-operative society, whose membership is not open to individuals. An Apex Society is a Federal Society, whose area of operation extends to the whole of the State. Whilst all Apex Societies are necessarily Federal Societies, all Federal Societies need not be Apex Societies.

11. A Primary Society is defined under Section 2(h-1) of the KCS Act as under:

"2. **Definitions.**—In this Act, unless the context otherwise requires,—

*** *** *** ***

(h-1) "**Primary Society**" means a co-operative society whose membership is not open to another co-operative society."

12. There are varied structures of societies. In a three-tiered structure, the Primary Societies are members of a Federal Society, and such Federal Societies are members of the Apex society. There are several Federal Societies whose areas of operation are confined to one or more districts, but not to the entire State of Karnataka. Such societies are not Apex Societies. In a three-tiered structure, they may be members of an Apex Society, whose area of operation extends over the entire State. In a two-tiered structure, the Primary Societies are members of an Apex Society.

13. The disqualification provided under Section 20(2)(a-iii) of the KCS Act is central to the present dispute. Section 20 of the KCS Act is set out below.

"20. **Votes of members.**—(1) No member, no representative or no delegate of a society shall have more than one vote in the general meeting or in the election of the members of the board of the co-operative society:

(2) The following shall not have the right to vote at a general meeting or an election of the members of the

board of the co-operative society in which they are members, namely:—

(a) a nominal or associate member;

(a-i) an individual member who is a defaulter;

(a-ii) members admitted as per clauses (d), (e), (f) and (g) of sub-section (1) of section 16, who are defaulters;

(a-iii) a person who has become member of a society not later than twelve months prior to the date of such meeting or election."

14. In terms of Section 20(2)(a-iii) of the KCOS Act, a person who has become a member of a society not later than twelve months prior to the date of the general meeting or the election of the members of a board of the co-operative society does not have a right to vote at the general meeting or the election of members of the board.

15. There is no dispute that, by virtue of Section 20(2)(a-iii), respondents Nos. 6 to 67 were ineligible to vote in the elections for office-bearers of respondent No. 5 society held on 06.01.2026, as they were registered less than twelve months prior to the date of the declared elections. However, as stated above, they claim that the rigours of Section 20(2)(a-iii) were relaxed by virtue of the GO issued under Section 121 of the KCS Act.

16. We may at this stage refer to Section 121 of the KCS Act, which reads as under:

"121. **Power to exempt societies.**—The State Government may, by general or special order published in the Official Gazette, exempt any co-operative society or any class of societies from any of the provisions of this Act, or may direct that such provisions shall apply to such society or class of societies with such modifications as may be specified in the order."

17. The State Government had issued the GO in exercise of powers under Section 121 of the KCS Act. The said GO is set out below:

"PROCEEDINGS OF KARNATAKA GOVT.

Subject: Regarding exemption from the provisions of Section 20(2)(a-iii) of the Karnataka Cooperative Societies Act, 1959,

Read: Letter No: RCS/RSR 1909/ 2025-26, dated: 19-05-2025 from the Office of Registrar of Cooperative Societies.

PREAMBLE:-

In the proposal sent by the Registrar of Cooperative Societies as read above, it is clear that as per the Central Government's scheme to establish at least one Multipurpose Primary Agricultural Credit Co-operative Society in every Gram Panchayat, 131 new Multipurpose Primary Agricultural Credit Cooperative Societies have been registered in the State as on 31-03-2025 and have obtained membership in the District Central Cooperative Banks and have not completed twelve months before the date of the election, these New Credit Multipurpose Primary Agricultural Cooperative Societies lose their right to vote in the elections as per Section 20(2)(a-iii) of the Karnataka Cooperative Societies Act, 1959. Therefore, the Government has been requested to exercise the power conferred on it under Section 121 of the Karnataka Cooperative Societies Act, 1959 and grant exemption from the provisions of

Section 20(2)(a-iii) of the Karnataka Cooperative Societies Act, 1959 to the newly registered Multipurpose Primary Agricultural Credit Cooperative Societies.

The proposal is examined. It is considered appropriate to grant the said exemption to all the Primary Co-operative Societies which are members of the Federal Co-operative Societies in the state and is ordered as follows.

Government Order No.: CO 142 CLS 2025,
Bangalore, Dated 29-05-2025

In view of the matters set out in the proposal, the Government of Karnataka exercising its powers conferred on it under Section 121 of the Karnataka Cooperative Societies Act, 1959, it is Ordered to exempt those newly registered Primary Co-operative Societies, registered before 30-4-2025, which have obtained membership in the Federal (District Central Co-operative Banks, District Co-operative Milk Unions, District Co-operative Unions and other Federal Cooperative Societies) Co-operative Societies are allowed to participate in the elections of the Governing Body of the Federal Co-operative Societies exempting from Section 20(2)(a-iii) of the Karnataka Cooperative Societies Act, 1959.

By order of the Governor of Karnataka
and in his name"

18. It is also relevant to note that on 26.06.2025, the State Co-operative Election Authority addressed a communication to respondent No.5 clarifying that the GO was confined to the elections of Federal District Cooperative Institutions and it did not extend to the election of the board of Apex Societies, such as respondent No.5.

19. Respondent No.1 (Government of Karnataka) has also filed an affidavit affirmed by the Deputy Registrar of the Co-operative Societies on its behalf, *inter alia*, affirming as under:

"3. I humbly submit that the Government Order dated 29.05.2025 was an exemption granted to Primary Societies to participate in the Elections of the management of Federal Societies. The exemption granted under the Government Order under Section 121 was not extended to the Apex Societies in the State."

20. As noted hereinbefore, the only question that falls for consideration is whether the GO is applicable to respondents Nos. 6 to 67 societies. This question is required to be addressed in the aforesaid backdrop.

21. A plain reading of the preamble of the GO indicates that 131(one hundred and thirty-one) new multipurpose primary agricultural credit cooperative societies were registered in the State of Karnataka as on 31.03.2025. They had obtained membership in the District Central Cooperative Banks and had not completed twelve months before the date of elections. It is in the said context that the State Government was requested to exercise the powers conferred under Section 121 of the KCS Act and exempt the newly registered primary cooperative societies from the applicability of

Section 20(2)(a-iii) of the KCS Act. The State Government examined the said proposal and issued the GO.

22. The first question that arises is whether the GO could be read as confined to 131 (one hundred and thirty-one) multipurpose primary agricultural cooperative societies which were registered as of 31.03.2025. However, the State clarified that not only the said primary agricultural societies but also several other primary cooperative societies were extended the benefit of relaxation under the GO. The preamble of the GO sets out the backdrop that led the State Government to issue the GO. However, it is common ground that the GO is not confined to the primary cooperative societies mentioned in the preamble. The GO thus must be read in its own terms.

23. A plain reading of the GO indicates that the benefit of relaxation of Section 20(2)(a-iii) of the KCS Act is extended to all the Primary Societies registered prior to 30.04.2025, which had obtained membership in Federal Societies.

24. As noted at the outset, an Apex Society is also a Federal Society. Thus, the benefit of the GO would also extend to Primary Societies, which are members of an Apex Society. The appellant's

case rests on the interpretation of the words “other Federal Cooperative Societies” as included in the parenthesis. The words set out in the parenthesis in the GO are: “District Central Co-operative Banks, District Co-operative Milk Unions, District Co-operative Unions and other Federal Cooperative Societies”. The said words in parentheses follow the word ‘Federal’, and thus qualify the societies in respect of which the provisions of Section 20(2)(a-iii) of the KCS Act have been relaxed.

25. The expressions enumerated in the parentheses first refers to certain district-level co-operative societies, i.e., District Central Co-operative Banks, District Co-operative Milk Unions and District Co-operative Unions and are followed by the residuary expression ‘other Federal Cooperative Societies’.

26. The appellant contends that the expression ‘other Federal Cooperative Societies’ must be interpreted in the context of the other words in the parentheses, namely, District Central Cooperative Banks, District Cooperative Milk Unions and District Cooperative Unions. It is contended that the expression ‘other Federal Cooperative Societies’ must be construed as referring to societies of the same nature as the District-level Cooperative

Societies that precede it. However, the learned Senior Counsel appearing for respondents No. 6 to 67 contends that the expression "other Federal Cooperative Societies" would cover all Federal Societies of which Primary Societies are members. He submitted that certain cooperative societies have a three-tier structure, in which primary cooperative societies are members of district-level societies, which in turn are members of an Apex Society. However, there is also a two-tiered structure where the Primary Societies are directly members of Federal Society, which is an Apex Society. It is submitted that the words 'other Federal Cooperative Societies' necessarily mean those Federal Societies formed by Primary Societies as their members.

27. The appellant seeks to rely on the rule of ejusdem generis for interpreting the words, "other Federal Cooperative Societies". The appellant argues that general words 'other Federal Societies' refers to societies of the same type as the specific societies that precede the said words. Thus, only District level Federal Societies are covered under the GO.

28. The Supreme Court had explained the rule of ejusdem generis in **Amar Chandra Chakraborty v. Collector of Excise, Govt. of Tripura**¹ as under

“9. .. The ejusdem generis rule strives to reconcile the incompatibility between specific and general words. This doctrine applies when (i) the statute contains an enumeration of specific words; (ii) the subjects of the enumeration constitute a class or category; (iii) that class or category is not exhausted by the enumeration; (iv) the general term follows the enumeration and (v) there is no indication of a different legislative intent..”

29. In **Siddeshwari Cotton Mills (P) Ltd. v. Union of India**², the Supreme Court explained that:

“14. The principle underlying this approach to statutory construction is that the subsequent general words were only intended to guard against some accidental omission in the objects of the kind mentioned earlier and were not intended to extend to objects of a wholly different kind. This is a presumption and operates unless there is some contrary indication. But the preceding words or expressions of restricted meaning must be susceptible of the import that they represent a class. If no class can be found, ejusdem generis rule is not attracted and such broad construction as the subsequent words may admit will be favoured...”

30. The rule of ejusdem generis serves as a contextual aid in interpreting a statute. It aids in interpreting the plain language of a statute in light of its context. It is well settled that a statute must be construed as it reads. The rule of literal interpretation is also

¹ (1972) 2 SCC 442

² (1989) 2 SCC 458

referred to as the golden rule. However, if the literal interpretation of the language is wider than would be in conformity with the legislative intent in the given context, the import of wide general words may be read as restricted to the context by using contextual aids, including the rule of Eiusdem Generis. The rule of Eiusdem Generis cannot be applied to whittle down the legislative intent.

31. In **SEBI v. NSE Members Assn.**³ the Supreme Court observed:

"49. If a statutory provision is open to more than one interpretation, it is always desirable of the Court to choose the interpretation which represents the true intention of the legislature. It is also well-settled that to arrive at the intention of the legislation, it is always depending on the objects for which the enactment is made, the Court can resort to historical, contextual and purposive interpretation leaving textual interpretation aside. Thus, while interpreting the statutory provisions, the Court is always supposed to keep in mind the object or purpose for which the statute has been enacted."

32. It is essential to bear in mind the legislation's object and purpose before interpreting its language restrictively. The rule of purposive interpretation requires that the statute be interpreted to further the object rather than to restrict it.

³ (2023) 12 SCC 341

33. In a **recent** decision in **Vivek Narayan Sharma (Demonetisation Case-5 J.) v. Union of India**⁴ the supreme court observed as under:

“134. Legislation has an aim, it seeks to obviate some mischief, to supply an inadequacy, to effect a change of policy, to formulate a plan of government. That aim, that policy is not drawn, like nitrogen, out of the air; it is evidenced in the language of the statute, as read in the light of other external *manifestations of purpose* [“Some Reflections on the Reading of Statutes” [(1947) 47 Columbia LR 527] , Columbia LR at p. 538].” This is how Justice Frankfurter succinctly propounds the principle of purposive interpretation.

135. It is thus necessary to cull out the legislative policy from various factors like the words in the statute, the Preamble to the Act, the Statement of Objects and Reasons, and in a given case, even the attendant circumstances. After the legislative policy is found, then the words used in the statute must be so interpreted such that it advances the purpose of the statute and does not defeat it.

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148. It is thus clear that it is a settled principle that the modern approach of interpretation is a pragmatic one, and not pedantic. An interpretation which advances the purpose of the Act and which ensures its smooth and harmonious working must be chosen and the other which leads to absurdity, or confusion, or friction, or contradiction and conflict between its various provisions, or undermines, or tends to defeat or destroy the basic scheme and purpose of the enactment must be eschewed. The primary and foremost task of the Court in interpreting a statute is to gather the intention of the legislature, actual or imputed. Having ascertained the intention, it is the duty of the Court to strive to so interpret the statute as to promote or advance the object and purpose of the enactment. For this purpose, where necessary, the Court may even depart from the rule that plain words should be interpreted according to their plain

⁴ (2023) 3 SCC 1

meaning. There need be no meek and mute submission to the plainness of the language. To avoid patent injustice, anomaly or absurdity or to avoid invalidation of a law, the court would be justified in departing from the so-called golden rule of construction so as to give effect to the object and purpose of the enactment. Ascertainment of legislative intent is the basic rule of statutory construction.”

34. In its decision, the Supreme Court also referred to the following passage from Francis Bennion’s treatise *Statutory Interpretation*:

“A purposive construction of an enactment is one which gives effect to the legislative purpose by—

(a) following the literal meaning of the enactment where that meaning is in accordance with the legislative purpose (in this Code called a purposive-and-literal construction), or

(b) applying a strained meaning where the literal meaning is not in accordance with the legislative purpose (in the Code called a purposive-and-strained construction).”

35. In the present case, if the GO is read literally, all Primary Societies registered before 30.04.2025 would be released from ineligibility under Section 20(2)(a-iii) of the KCS Act for participating in elections/general meetings of the Federal Societies of which they are members. The Apex Societies—which by definition are Federal Societies—cannot be read as excluded from the reference to Federal Cooperative Societies in the GO.

36. The preamble of the GO indicates that the proposal to relax the ineligibility under Section 20(2)(a-iii) was mooted since a large

number of multipurpose primary agricultural societies had been registered in the State as on 31.03.2025. Thus, clearly, the intent of the GO was to permit the large number of societies that had been registered in the State to participate in the elections of the Office Bearers of the Federal Societies of which they were members. Since the object was not to deprive the Primary Societies from participating in elections to the Federal Societies, it is clear that no distinction can be drawn between Federal Societies on the basis of their area of operation. Plainly, the Federal Societies whose area of operation extends to the entire State cannot be excluded from the benefit of the GO on that ground.

37. The words in parentheses explain the scope of Federal Societies. As far as banks, milk unions and cooperative unions were concerned, the Federal Societies operate at the district level. Therefore, when we consider the interpretation of the words 'other Federal Societies' in the parenthesis, it would necessarily mean all other Federal Societies, including those co-operative institutions that do not conform to a three-tier structure.

38. We agree with the learned Senior Counsel appearing for respondents No.6 to 67 that a clarification, subsequently issued by

the State Co-operative Election Authority, cannot be accorded much weightage for the following reasons. First, the clarification has not been issued under Section 121 of the KCS Act. Thus, it cannot amend the GO issued in exercise of the statutory power conferred under Section 121 of the KCS Act. Second, there is no rationale for excluding Primary Societies from voting to elect the members of a Federal Society which operates throughout the State. The affidavit furnished by the State Government does not provide any rationale for excluding the Primary Societies that are the direct members of Federal Societies, which are the Apex Societies. And third, the clarification was issued at a later stage and was not issued contemporaneously with the GO dated 29.05.2025.

39. Restricting the scope of the GO to Federal Societies that do not have a statewide operation is neither in conformity with the plain language of the GO nor with the object with which the GO was issued.

40. Considering that the purpose and object of the GO was to relax the ineligibility criterion to enable the large number of Primary Societies to participate in the election of the office bearers of the Federal Societies of which they are members; the appellant has not

presented any reason, which has any reasonable nexus with the object of the GO, to classify the Primary Societies, which are members of Federal Societies that have a State wide operation separately from the Primary Societies, which are members of Federal Societies whose area of operation does not extend over the entire State.

41. In view of the above, we find no grounds to interfere with the impugned order. The appeal is, accordingly, dismissed.

42. The pending applications also stand dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV