



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT APPEAL NO. 359 OF 2025 (CS-EL/M)

BETWEEN:

1. MR. N. RAJ SHEKAR JAIN
AGED 69 YEARS
S/O LATE PADMARAJ JAIN
NIRPAJE HOUSE AND VILLAGE
PUTTUR TQ - 574 203
D.K. DIST.

...APPELLANT

(BY SRI N. SUKUMAR JAIN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
CO-OPERATIVE DEPARTMENT
MULITY STORIED BUILDING
BENGALURU - 560 001
BY ITS SECRETARY.
2. RETURNING OFFICER
PUTTUR PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL
DEVELOPMENT BANK
PUTTUR TQ, D.K. DIST
PIN - 574 214.

Digitally signed
by PRABHAKAR
SWEETHA
KRISHNAN
Location: High
Court of
Karnataka



3. PUTTUR PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL
DEVELOPMENT BANK
PUTTUR TQ
D.K. DIST
REP. BY ITS MANAGER - 574 214.
4. STATE COOPERATIVE ELECTION
AUTHORITY 3RD FLOOR TTMC A BLOCK
K.H. ROAD, SHANTHINAGAR
BENGALURU - 560 027
BY ITS SECRETARY.
5. BALAPPA @ SUNDARA POOJARY
S/O LATE ANNI POOJARY
AGED 61 YEARS
BADAVA HOUSE
CHIKKAMUDNUR P.O. & VILLAGE
PUTTUR TQ
D.K. DIST - 574 203.

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 & 2,
SRI RAVISHANKAR SHASTRY, ADVOCATE FOR R-3,
RESPONDENT No.4 SERVED & UNREPRESENTED &
SRI RAKSHITH KUMAR, ADVOCATE FOR R-5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SETTING ASIDE THE
ORDER DATED 03/02/2025 PASSED BY THE LEARNED SINGLE
JUDGE IN W.P.NO.814/2025 & ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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

ORAL JUDGMENT

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

1. The appellant has filed the present appeal impugning an order dated 03.02.2025 passed by the learned Single Judge of this Court in WP.No.814/2025 (CS-EL/M). The learned Single Judge dismissed the said writ petition on the ground that it had become infructuous with liberty to the appellant to raise a dispute under Section 70 of the Karnataka Co-operative Societies Act, 1959, if so advised, in accordance with law.

2. The appellant had filed the aforementioned writ petition impugning an order dated 12.01.2025 passed by the second respondent, whereby the appellant's nomination to be elected as a Member of the Board of Management to the respondent No.3 (Bank) had been rejected. The nomination of the appellant was rejected on the ground of a variance in the spelling of his name as recorded in the eligible voters list in the Area and the name reflected in the nomination papers. Aggrieved by the same, the appellant had filed the said writ petition on 13.01.2025. However



on the said date, the respondent No.5 was unanimously elected. It is material to note that respondent No. 5 was not arrayed as a respondent in the writ petition and thus no relief against the respondent could have been sought.

3. As noted above, the appellant's petition was confined to assailing the order dated 12.01.2025, whereby his nomination was effected. Although respondent No.5 was elected on 13.01.2025, the appellant did not take any steps for amending the writ petition or seeking any relief to challenge the election. In the aforesaid circumstances, the learned Single Judge has rightly dismissed the petition, leaving it open for the appellant to avail any remedy that may otherwise be available under Section 70 of the Karnataka Co-operative Societies Act, 1959.

4. The learned counsel for the appellant referred to the decision of the Co-ordinate Bench of this Court in ***L. Ramakrishnappa v. Presiding Officer: ILR 1991 KAR 4421***, in support of his contention that the Court does have the jurisdiction under Article 226 of the Constitution of India to interfere in case any illegality is committed during the course of holding the election to the Office of any Authority or Body which is regulated by statutory provisions.



There is no cavil in the aforesaid proposition. However, it is also well settled that remedies under Article 226 of the Constitution of India are discretionary remedies. The learned Single Judge found that the election result had been declared on 13.01.2025, even before the Court granted any interim order.

5. As noted above, the appellant has not challenged the election of respondent No.5 in the petition. The appellant merely raised a challenge to the rejection of the nomination. Thus in any event, the election of respondent No.5 could not be interfered with in the said petition. Respondent No.5 is also not arrayed as a party in the said petition.

6. In view of the above, we find no infirmity with the decision of the learned Single Judge in declining to entertain the petition. The appeal is accordingly dismissed.

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

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

SD
List No.: 1 Sl No.: 45