



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO. 100141 OF 2026 (CS EL/M)

BETWEEN:

1. NARAYAN APPU DEVADIGA,
AGE: 33 YEARS, OCC: AGRICULTURE,
R/O: APPUMANE PO: ULMAN-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
2. NAGARAJ GOYDA DEVADIGA,
AGE: 27 YEARS, OCC: AGRICULTURE,
R/O: MALLARI PO: BENGRE-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
3. NARAYAN DURGAYYA DEVADIGA,
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O: BASATIHAKKAL PO: ULMAN-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
4. NEELAKANTA VENKATRAMAN DEVADIGA,
AGE: 25 YEARS, OCC: AGRICULTURE,
R/O: BABIHITLU PO: BENGRE-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
5. LOKESH NAGESH DEVADIGA,
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O: BABIHITLU PO: BENGRE-581320,



TQ: BHATKAL, DIST: UTTARA KANNADA.

6. SHIVARAM KRISHAN DEVADIGA,
AGE: 23 YEARS, OCC: AGRICULTURE,
R/O: SAMKAYYANMANE, PO: ULMAN-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
 7. KAMALAKAR GOVIND DEVADIGA,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O: GONCHITLU PO: BENGRE-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA
 8. DHAMODAR JATTAYYA DEVADIGA,
AGE: 25 YEARS, OCC: AGRICULTURE,
R/O: SOMAYYANAMANE, PO: ULMAN-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA
 9. DEVENDRA DURGAYYA DEVADIGA,
AGE: 69 YEARS, OCC: AGRICULTURE,
R/O: BASATIHAKKAL PO: BENGRE-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
 10. ANNAPPA IRAYYA DEVADIGA,
AGE: 25 YEARS, OCC: AGRICULTURE,
R/O: BENGRE, PO: BENGRE-581320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
 11. SUBRAHMANYA GANAPATI DEVADIGA,
AGE: 63 YEARS, OCC: AGRICULTURE,
R/O: AACHIHITLU, PO: BENGRE-581 320,
TQ: BHATKAL, DIST: UTTARA KANNADA.
- ... APPELLANTS

(BY SRI. SABEEL AHMED, ADV. FOR
SRI. A. S. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS



PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION
VIKAS SOUDHA, BANGALORE-560001.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, GOVERNMENT OF KARNATAKA, NO. 1, ALI-ASKAR ROAD BANGALORE-560052.
3. THE CO-OPERATIVE ELECTION AUTHORITY, REPRESENTED BY ITS SECRETARY, 3RD FLOOR, SHANINAGARA, T.T.M.C 'A' BLOCK, SHANTINAGARA, BANGALORE – 560 027.
4. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES SARASWATI SADAN, 2ND FLOOR, HABBWADA, KARWAR, PIN-581301, DIST: UTTAR KANNADA.
5. THE CO-OPERATIVE DEVELOPMENT OFFICER /RETURNING OFFICER, BHATKAL, & THE VERIFICATION OFFICER MANGALA MULTIPURPOSE CO-OPERATIVE SOCIETY, BHATKAL – 581 320, TQ: BHATKAL, DIST: UTTARKANNADA.
6. MANGALA MULTIPURPOSE CO-OPERATIVE SOCIETY, LIMITED, BHATKAL, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, BHATKAL – 581 320, TQ: BHATKAL, DIST: UTTARKANNADA.

... RESPONDENTS

(BY SRI. HANUMESH M. DESAI, ADV. FOR R5;
SRI. VENKATESH M. KHARVI, ADV. FOR R6;
SRI. PRAVEEN UPPAR, AGA FOR R1 TO R4)



THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, ALLOW THE PRESENT WRIT APPEAL AND SET ASIDE THE ORDER DATED 11.03.2026 PASSED IN W.P. NO. 100483/2026 (CS EL/M) BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND CONSEQUENTLY ALLOW THE WRIT PETITION FILED BY THE APPELLANTS. THE APPELLANTS FURTHER PRAY THAT THIS HON'BLE COURT MAY BE PLEASED TO ISSUE APPROPRIATE DIRECTIONS TO THE RESPONDENTS TO CONSIDER AND COUNT THE VOTES CAST BY THE APPELLANTS AND OTHER SIMILARLY PLACED VOTERS WHICH WERE KEPT SEPARATELY PURSUANT TO THE ORDER OF THIS HON'BLE COURT AND TO TAKE THE SAID VOTES INTO ACCOUNT IN THE ELECTION PROCESS OF THE CONCERNED CO-OPERATIVE SOCIETY IN ACCORDANCE WITH LAW AND ETC.,

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD)

The appellants are members of M/s. Mangala Multipurpose Co-operative Society Limited, Bhatkal [*the sixth respondent*], and they have filed the writ petition in W.P. No.100483/2026 for directions to the authorities to include their names in the *Eligible Voters' List* and permit them to participate in the elections to the sixth respondent's Managing Committee to be held on 25.01.2026.

2. The writ Court, by way of an interim order, has permitted the petitioners to cast their votes but with embargo on the results being announced. The writ Court in this interim order has also directed the Returning Officer [*the fifth respondent*] to keep the votes cast by the petitioners separate. However, the writ Court, by the impugned order dated 11.03.2026, has dismissed the petition reserving liberty to the appellants to agitate their grievance under Section 70 of the Karnataka Co-operative Societies Act, 1959 [for short



‘the Act’] calling upon the fifth respondent to announce the results without counting the votes cast by the applicants.

3. Sri Sabeel Ahmed, the learned counsel for the appellants, submits that this Court must intervene because arbitrariness and reasonableness in excluding the appellants from the *Eligible Voters List* is writ large, and the learned counsel submits that it cannot be disputed that the sixth respondent has a total of 2694 members but only 672 of these members have been included in the final eligible voters’ list, excluding 2022, including the appellants.

4. Sri Venkatesh M. Kharvi, the learned counsel who is on caveat for the sixth respondent, and Sri Hanumesh M. Desai, the learned counsel is permitted to enter appearance for the fifth respondent, and Sri Praveen Upkar, a learned Additional Government Advocate who is called upon to accept notice for the other respondents, are heard in the light of these



submissions and the request by Sri Sabeel Ahmed, in rejoinder, to dispose of the Writ Appeal directing the fifth respondent not to announce the results until the conclusion of the proceedings that the appellants propose to avail in terms of the writ Court's order. The learned counsel emphasizes that if the fifth respondent announces the results excluding the votes cast by the appellants [*11 of them*], the entire proceedings would be rendered infructuous.

5. This Court, at this stage, must observe that the appellants were joined by 262 others in filing the writ petition but only the appellants [*11 in number*] have preferred this petition, and the question for consideration is:

Whether this Court must call upon the fifth respondent not to announce the results, or to announce the results excluding the votes cast by the appellants providing for just orders in the event the appellants avail their remedy under Section 70 of the Act and succeed in such proceedings.



6. This Court must opine that the settled proposition is that every dispute relating to elections to the Managing Committee of a Co-operative Society, including the dispute founded on the allegations of arbitrariness and non-compliance with the requirements under the Statute / Rules in the preparation of the final voters' list, must be examined under Section 70 of the Act. If the appellants avail their remedy under Section 70 of the Act and succeed in demonstrating either non-compliance or other infirmity in the finalisation of the eligible voters' list, the benefit of the votes cast by them must be duly considered and not otherwise.

7. Therefore, it follows that the fifth respondent must ensure that the votes cast by the appellants are kept secure and safe subject to the outcome of the proceedings under Section 70 of the Act if the appellants avail such remedy and the authority. The Authority, while adjudicating the appellants' grievance under Section 70 of the Act, must issue necessary directions



based on the outcome of such proceedings. Hence, the following:

ORDER

The Writ Appeal stands disposed of reiterating the writ Court's direction to the fifth respondent to announce the results without counting the votes cast by the appellants but directing this respondent to preserve the votes in case they are to be considered if the appellants do avail their remedy under Section 70 of the Act and succeed in such inquiry.

**Sd/-
(B.M.SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**