



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO. 107669 OF 2025 (CS-EL/M)

C/W

WRIT PETITION NO. 107811 OF 2025 (CS-EL/M)

IN WP No. 107669/2025

BETWEEN:

1. ETAGAHALLI BASAVARAJAPPA
S/O SANNAGANGAPPA
AGE:52 YEARS, OCC: AGRICULTURE &
PRESIDENT OF VIVIDODESHA PRIMARY
RURAL AGRICULTURAL CO-OPEARTIVE
SOCIETY, ARASIKERI R/O: ARASIKERE,
DIST: VIJAYANAGAR-583131

2. KOTRESH S/O BASAPPA BADIGER
AGE: 52 YEARS, OCC: AGRICULTURE &
PRESIDENT OF VIVIDODESHA PRIMARY
RURAL AGRICULTURAL CO-OPEARTIVE
SOCIETY, HOSAKOTE, R/O: CHIKKAKABBALLI,
DIST: VIJAYANAGAR-583131

3. H. FAKIRAPPA S/O SHIVABASAPPA
AGE:45 YEARS, OCC: AGRICULTURE &
PRESIDENT OF VIVIDODESHA PRIMARY
RURAL AGRICULTURAL CO-OPEARTIVE
SOCIETY, HAKKANALU R/O: HULIKATTI,
DIST: VIJAYANAGAR-583131

4. MANJAPPA S/O SANNERAPPA KUDLAGI
AGE: 50 YEARS, OCC: AGRICULTURE &
DIRECTOR OF VIVIDODESHA PRIMARY
RURAL AGRICULTURAL CO-OPEARTIVE
SOCIETY, MATTIHALLI, R/O: MATTIHALLI,
DIST: VIJAYANAGAR-583131

5. K.G. SHIVAYOGI S/O SHAMBHULINGAPPA
AGE: 59 YEARS, OCC: AGRICULTURE &
PRESIDENT OF VIVIDODESHA PRIMARY RURAL

VIJAYALAKSHMI
M KANKUPPI



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AGRICULTURAL CO-OPEARTIVE SOCIETY,
THOUNDURU, R/O: KYARAKATTI,
DIST: VIJAYANAGAR-583131

6. NAGYA NAIK S/O SURYA NAIK
AGE: 62 YEARS, OCC: AGRICULTURE &
PRESIDENT OF VIVIDODESHA PRIMARY
RURAL AGRICULTURAL CO-OPEARTIVE
SOCIETY, PUNABHAGATTI, R/O: PUNABHAGATTI,
DIST: VIJAYANAGAR-583131

7. HEGGAPPA MANJAPPA S/O HANAMANTAPPA
AGE: 48 YEARS, OCC: AGRICULTURE &
PRESIDENT OF VIVIDODESHA PRIMARY RURAL
AGRICULTURAL CO-OPEARTIVE SOCIETY,
RAGIMASALAWADA, R/O: RAGIMASALAWADA,
DIST: VIJAYANAGAR-583131

8. BANDOL BASAVARAJ S/O MANJUNATH
AGE: 37 YEARS, OCC: AGRICULTURE &
DIRECTOR OF VIVIDODESHA PRIMARY RURAL
AGRICULTURAL CO-OPEARTIVE SOCIETY,
GUNDAGATTI, R/O: GUNDAGATTI,
DIST: VIJAYANAGAR-583131

9. SMT. MEGABAI W/O D. NEMYA NAIK
AGE: 51 YEARS, OCC: AGRICULTURE
& DIRECTOR OF VIVIDODESHA PRIMARY
RURAL AGRICULTURAL CO-OPEARTIVE
SOCIETY, TOGARIKATTI, R/O: TOGARIKATTE,
DIST: VIJAYANAGAR-583131

...PETITIONERS

(BY SRI. VIKRAM HUILGOL, SR. COUNSEL FOR
SRI. JAGADISH PATIL., ADV)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF CO-OPERATION
M.S. BUILDING, 6TH FLOOR,
BENGALURU-560001

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
GOVERNMENT OF KARNATAKA,



NO.1, ALI-ASKAR ROAD, BENGALURU-560052

3. THE CO-OPERATIVE ELECTION AUTHORITY,
REP.BY ITS SECRETARY, 3RD FLOOR,
SHANTINAGAR, T.T.M.C, "A" BLOCK,
SHANTINAGAR, BENGALURU-560027

4. THE DISTRICT CO-OPERATIVE ELECTION
OFFICER & DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES
HARAPPANAHALLI, VIJAYANAGAR,
DIST: VIJAYANAGAR-583131

5. RETURNING OFFICER & CO-OPERATIVE
DEVELOPMENT OFFICER, HARAPPANAHALLI
TALUK AGRICULTURAL PRODUCE
MARKETING CO-OPERATIVE SOCIETY LTD.,
DIST: VIJAYANAGAR-583131

6. HARAPPANAHALLI TALUK AGRICULTURAL
PRODUCE MARKETING CO-OPERATIVE
SOCIETY LTD., TQ: HARAPPANAHALLI,
DIST: VIJAYANAGAR-583131
REP BY ITS SECRETARY.

7. DANDIN HARISH S/O RAJGOPAL
AGE: 45 YEARS, OCC: AGRICULTURE
R/O: HARAPANAHALLI, DIST. VIJAYANAGAR.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1 TO R5,
SRI. G.V. BHARAMAGOUDA, ADV FOR R6
SRI. S.S. BETURMATH, ADV FOR R7)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT OF
CERTIORARI QUASHING THE FINAL INELIGIBLE VOTERS LIST
ISSUED BY RESPONDENT NO.6 MARKED AT ANNEXURE-C IN SO FAR
AS PETITIONERS ARE CONCERNED IN THE ELECTION TO THE BOARD
OF 6TH RESPONDENT SOCIETY FOR THE TERM 2025 TO 2029. B)
ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS
TO CONDUCT THE ELECTIONS TO THE 6TH RESPONDENT SOCIETY
FOR THE TERM 2025-2029 SCHEDULED TO BE HELD ON 26/10/2025,
PERMITTING THE PETITIONERS TO CAST THEIR VOTE AND
PARTICIPATE IN THE ELECTION PROCESS IN TERMS OF ANNEXURE-B



DATED 09/10/2025 ISSUED BY RESPONDENT NO.5. C) PASS SUCH OTHER ORDERS AS THIS HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING COSTS.

IN WP NO. 107811/2025

BETWEEN:

1. MUKEDAINAR RAJAPPA S/O MUDAKAPPA
AGE 49 YEARS OCC AGRICULTURE AND
DIRECTOR OF VIVIDODESHA PRIMARY RURAL AGRICULTURAL
CO-OPERATIVE SOCIETY
CHIGATERI, R/O CHIGATERI
DIST VIJAYANAGAR 583131

...PETITIONER

(BY SRI. VIKRAM HUILGOL, SR. COUNSEL FOR
SRI. JAGADISH PATIL., ADV)

AND:

1. THE STATE OF KARNATAKA
R/BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF CO-OPERATION
MS BUILDING, 6TH FLOOR,
BENGALURU 560001
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
GOVERNMENT OF KARNATAKA
NO. 1, ALI ASKAR ROAD,
BENGALURU 560052
3. THE CO-OPERATIVE ELECTION AUTHORITY
R/BY ITS SECRETARY, 3RD FLOOR
SHANTINAGAR, T.T.M.C 'A' BLOCK
SHANTINAGAR, BENGALURU 560027
4. THE DISTRICT CO-OPERATIVE ELECTION
OFFICER AND DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES,
HARAPPANAHALLI, VIJAYANAGAR,
DIST. VIJAYANAGAR 583131



NC: 2026:KHC-D:4477
WP No. 107669 of 2025
C/W WP No. 107811 of 2025

5. RETURNING OFFICER
AND CO-OPERATIVE DEVELOPMENT
OFFICER HARAPPANAHALLI TALUK
AGRICULTURAL PRODUCE MARKETING
CO-OPERATIVE SOCIETY LTD.,
HARAPANAHALLI, DIST VIJAYANAGAR 583131

6. HARAPPANAHALLI TALUK AGRICULTURAL
PRODUCE MARKETING CO-OPERATIVE
SOCIETY LTD., HARAPANAHALLI
TQ HARAPPANAHALLI
DIST VIJAYANAGAR 583131
R/BY ITS SECRETARY

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1 TO R5,
SRI. K.L.PATIL, ADV. FOR R6

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE CALENDAR OF EVENTS BEARING NO. NONDANE SANKHYA. Y.NO. 266/1930-31/D.13/11/1930 DATED. 09/10/2025 ISSUED BY 5TH RESPONDENT VIDE ANNEXURE-A. B) ISSUE A WRIT IN TH NATURE OF CERTIORARI QUASHING THE IMPUGNED ENDORSEMENT BEARING NO. KRA.SUM.R.A/TAPCMS/AAMANCHU/KRAMABADDAVALLADA NAMAPATRA/2025-26 DATED. 19/10/2025 ISSUED BY 5TH RESPONDENT VIDE ANNEXURE-C, WITH RESPECT TO THE PETITIONER. C) ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE 5TH RESPONDENT TO ACCEPT THE NOMINATION OF THE PETITIONER FOR THE ELECTION TO THE 6TH RESPONDENT SOCIETY FOR THE TERM 2025-2029 SCHEDULED TO BE HELD ON 26/10/2025, PERMITTING THE PETITIONER TO CONTEST AND VOTE IN THE ELECTION PROCESS, IN THE INTEREST OF JUSTICE AND EQUITY. D) PASS SUCH OTHER ORDERS AS THIS HON BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING COSTS.

THESE PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER
(PER: HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioners in Writ Petition No.107669/2025 are seeking the following reliefs:

- A) *Issue a writ of certiorari quashing the final ineligible voters list issued by respondent No.6 marked at ANNEXURE-C in so far as petitioners are concerned in the election to the Board of 6TH respondent society for the term 2025 to 2029.*
- B) *Issue a writ of mandamus directing the respondents to conduct the elections to the 6th respondent society for the term 2025-2029 scheduled to be held on 26/10/2025, permitting the petitioners to cast their vote and participate in the election process in terms of ANNEXURE-B dated 09/10/2025 issued by respondent No.5.*
- C) *Pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case, including costs.*

2. Brief facts leading rise to the filing of this petition are as follows:

3. Respondent No.4 published a final voters' list of eligible and ineligible members of respondent No.6-Society on 06.10.2025. Respondent No.5 published the calendar of events for holding the election to the 6th respondent society on 09.10.2025. The date for election to the Managing Committee was fixed on 26.10.2025. Therefore, the petitioners are questioning the final voters' list issued in violation of the



principles of natural justice and seeking a mandamus to direct the respondents to permit them to cast their vote in the election scheduled to be held on 26.10.2025 for the Committee of Management to the respondent No.6-Society.

4. Heard the arguments of Sri. Vikarm Huilgol, learned senior counsel for Sri. Jagadish Patil, learned counsel appearing for the petitioners and the learned High Court Government Pleader for the respondent Nos.1 to 5.

5. Learned senior counsel for the petitioners submits that the action of the respondents in deleting the names of the petitioners in the final voters' list is in violation of principles of natural justice. Respondent No.4 published the voters' list wherein the names of the petitioners are not found. The petitioners are eligible to cast their vote in the ensuing election. Hence, the action of the respondents in not including the names of the petitioners in the final election voters' list is arbitrary and erroneous. Hence, on these grounds, he prays to allow the writ petition.

6. Per contra, learned HCGP submits that the writ petition filed by the petitioners is not maintainable. The



petitioners have an efficacious remedy. The petitioners can file an election petition. To buttress his arguments, learned HCGP places reliance on the order passed by this Court in case of ***Bhimappa Sidagoud Magadum v. The Deputy Commissioner, Bagalkot and others*** in ***Writ Petition No.148379/2020*** disposed of on 03.11.2020. Hence, on these grounds, prays to dismiss the writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.

8. It is undisputed that 4th respondent published final list of eligible and ineligible members of 6th respondent-society. 5th respondent published calendar of events on 09.10.2025 and the election is scheduled on 26.10.2025. The issue involved in this case is squarely covered by the order passed by this Court in ***Bhimappa's*** case referred (supra). The relevant portion is extracted as below:

"20. The Hon'ble Apex Court in the case of Inderjit Barua and others Vs. Election Commission of India reported in AIR 1984 Supreme Court 1911, with reference to paragraph No.3, which reads as under:

"We are of the view that once the final electoral rolls are published and elections are held on the basis of such electoral rolls , it is not open to anyone to



challenge the election from any constituency or constituencies on the ground that the electoral rolls were defective. That is not a ground available for challenging an election under Section 100 of the Representation of People Act, 1951. The finality of the electoral rolls cannot be assailed in a proceeding challenging the validity of an election held on the basis of such electoral rolls vide Kabul Singh v. Kundan Singh. Article 329(b) in our opinion clearly bars any writ petition challenging the impugned elections on the ground that the electoral rolls of 1979 on the basis of which the impugned elections were held were invalid."

21. A reading of the aforesaid judgment would clearly indicate that the Hon'ble Supreme Court held therein that, there is a clear bar to any writ petition challenge defect in electoral roll.

22. This Court placing a reliance on the judgment of the Hon'ble Court the case of J.Robert Vs. Ram Jethmalani reported in ILR 1990 (KAR) 1907 held that even if there is an error in preparation of electoral roll the same cannot be questioned before the High Court. As far as perpetration of electoral roll, additional or deletion of names etc., are all the matters pertaining to the dispute relating to election of member etc., that any dispute relating to electoral roll cannot be entertained in the writ petition. Hence, this Court holds that dispute relating to electoral roll cannot be entertained.

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24. In view of the law laid down by the Hon'ble Apex Court in the case of Shaji K.Joseph Vs . V.Viswanath and others reported in (2016) 4 Supreme Court Cases 429, this Court is of the view that, the High Court has no right in interfering with the process of election especially when the process of election had started upon .



9. The Hon'ble Apex Court held that the High Court has no right to interfere with the process of election especially when the process of election has been started. In the instant case, calendar of events have all ready been issued. Hence, the writ petition filed by the petitioners is not maintainable in view of the proposition laid down by the Hon'ble Apex Court in the case referred above and also in the case of **Bhimappa's** referred (supra). Hence, the writ petition filed by the petitioners challenging the electoral roll before the High Court under writ jurisdiction is not maintainable. In view of the same, I do not find any ground to entertain the writ petition.

10. Accordingly, the **Writ Petition No.107669/2025** is **dismissed**.

A liberty is reserved to the petitioners to avail the appropriate remedy, if so desired, before the appropriate forum.

In view of dismissal of the writ petition, impleading application does not survive for consideration. Accordingly, disposed off.



NC: 2026:KHC-D:4477
WP No. 107669 of 2025
C/W WP No. 107811 of 2025

In view of dismissal of Writ Petition No.107669/2025,
Writ Petition No.107811/2025 does not survive for
consideration. Accordingly, writ petition is **dismissed**.

Pending applications, if any, stand disposed off.

Sd/-
(ASHOK S. KINAGI)
JUDGE

kmv
CT: BSB