



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200238 OF 2025 (CS-EL/M)

BETWEEN:

1. SIDDANNA A. GUDAGUNTI,
AGE:60 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.378,
2. BASAVANATARAYA S. BASAREDDY,
AGE:55 YEARS, OCC:AGRICULTURE,
MEMBERSHIP NO 404,
3. NAGAREDDY S. BASAREDDY,
AGE:52 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No. 432,
4. NINGAPPA A. GUDAGUNTI
AGE: 60 YEARS, OCC: AGRICULTURE,
MEMBERSHIP No. 465,
5. RAMANAGOUDA S. MULIMANI
AGE:45 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.495,
6. GURAPPA B. RATNAGIRI
AGE:60 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.505,
7. KARABASAPPA M. NAVADAGI
AGE :62 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No. 516,

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



8. BASAVANATRAYA G.BASAREDDY,
AGE: 63 YEARS, OCC: AGRICULTURE,
MEMBERSHIP No.522,
9. PARAVATAMMA H. ANESUR,
AGE:58 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.558,
10. PEERMA N. MOKASHI,
AGE:60 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.568,
11. YANKAREDDY S. ANESUR,
AGE:45 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.632,
12. BASAVARAJ S. BASAREDDY,
AGE:55 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.644,
13. SMT. SHANTAMMA R. BIRADAR,
AGE:36 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.697,
14. SHIVAJI S. HEGAREDDY,
AGE:48 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.722,
15. SUMANGALA G ANESUR,
AGE:38 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.769,
16. MALLANAGOUDA N ANESUR,
AGE:33 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.795,
17. SMT. SHANTAMMA G ANESUR,
AGE:60 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.796,



18. CHANDRASHEKHAR B ALLYAL,
AGE:51 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.928,
19. BALAVANTRAYA C YARGAL,
AGE:38 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.930,
20. MALLANAGOUDA R BIRADAR,
AGE:45 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.1034,
21. SHARANAGOUDA M NAVADAGI,
AGE:61 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.1040,
22. SANGANAGOUDA S ANESUR,
AGE:52 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.1116,
23. MALLAPPA C PUJARI,
AGE:35 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.539

PETITIONER NO 1 TO 23 ALL ARE
R/O BANTANUR VILLAGE TQ. TAWLIKOTI
DIST. VIJAYAPURA.

24. HANAMANTH B HAL,
AGE:50 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.791,
25. SHIVAPUTRAPPA B BIRADAR,
AGE:63 YEARS,
OCC:AGRICULTURE,
MEMBERSHIP No.813,
26. ALLABHAKSH A MULLA,
AGE:72 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.596,



27. SMT. GEETA S BIRADAR,
AGE:34 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.1092,
28. KASHIPATI B. MADIWALAR,
AGE:29 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.1189,
29. RAMANAGOUDA S. BIRADAR,
AGE:52 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.503,
30. SMT. BORAMMA S. PATIL,
AGE:52 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.529,
31. BASALINGAPPA M. MADIWALAR,
AGE:46 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.585,
32. PRABHUGOUDA C. INGALAGERI,
AGE:67 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.536,
33. MADIWALAPPA B. MADIWALAR,
AGE:60 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.597,
34. MAHANTESH S. HALLANVAR,
AGE:43 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.797,
35. SHIVARAJ Y. BIRADAR,
AGE:30 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.809,
36. MALLANNA S. HAL,
AGE:45 YEARS,
OCC:AGRICULTURE,
MEMBERSHIP No.594,



37. SMT. SRIDEVI M BIRADAR,
AGE:48 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.886,
38. SIDRAMAPPA C BIRADAR,
AGE:40 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.758,
39. SHIVAPPA T. BINJALABHAVI,
AGE:62 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.1074,

PETITIONER NO 24 TO 39
ALL ARE R/O PEERAPUR TQ. TALIKOTI
DIST. VIJAYAPURA 586214.
40. ISHWAR B. HANDARAL,
AGE:88 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.214,
41. RAMANAGOUDA CHINCHOLI,
AGE:60 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.386,
42. AMINAREDDY S NAYKAL,
AGE:75 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.498,
43. SMT. SHAMALA M NADAGOUDA,
AGE:61 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.530,
44. AMEENSHA I. HARAKARI,
AGE :61 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.587,
45. SAIDUSHA D. HARAKARI
AGE:53 YEARS,
OCC:AGRICULTURE,
MEMBERSHIP No.799,



46. JAINABEE L. MULLA,
AGE:50 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.609,

47. VEERABHDARAPPA N HADAPAD,
AGE:56 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.622,

48. PRABHUGOUDA B. NADAGOUDA,
AGE:50 YEARS, OCC:AGRICULTURE,
MEMBERSHIP No.793,

PETITIONER NO 40 TO 48 ARE
R/O SHELLAGI VILLAGE, TQ.TALIKOTI,
DIST. VIJAYAPURA-586214.

...PETITIONERS

(BY SRI. SANGANABASAVA B.PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, BENGALURU-560001.
2. THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES,
VIJAYAPURA,
TQ. AND DIST. VIJAYAPUR 586101.
3. THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES,
VIJAYAPUR TQ. TALIKOTI,
DIST. VIJAYAPUR 586209.
4. THE RETURNING OFFICER FOR THE
MULTIPURPOSE PRATHAMIKA GRAMEENA KRUSHI
SAHAKARA SANGHA NIYAMITA,
BHANTANUR, TQ.TALIKOTI,
DIST.VIJAYAPUR 586101.



5. THE MULTIPUROSE PRATHAMIKA
GRAMEENA KRUSHI SAHAKARA
SANGHA NIYAMITA, BHANTANUR,
TQ.TALIKOTI, DIST. VIJAYAPUR-586 101
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.

...RESPONDENTS

(BY SMT.ARCHANA P.TIWARI, AAG A/W
SRI VIRANAGOUDA M.BIRADAR, AGA FOR R1 TO R3;
R4 & R5 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT SEC.(20)(2) (A-IV) OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT 1959, AS INSERTED BY SECTION 12 OF KARNATAKA ACT NO. 03/2013 PUBLISHED IN THE GAZETTE ON 11.02.2013 IS ULTRA VIRES AND LACKS LEGISLATIVE COMPETENCY IN VIEW OF ARTICLE 243 AND 243 ZO OF THE CONSTITUTION OF INDIA, VIDE ANNEXURE-D. B. ISSUE A WRIT, ORDER OR DIRECTION IN NATURE OF CERTIORARI QUASHING ANNEXURE-C, viz, THE ELIGIBLE VOTERS LISTS MEMBERS DATED NIL PUBLISHED BY THE RESPONDENT NO.5 IN SO FAR AS THE PETITIONERS THEREIN ARE CONCERNED, C) ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENTS TO CONDUCT THE ELECTIONS TO THE RESPONDENT NO.5 SOCIETY FOR THE TERM 2024-2029 IN ACCORDANCE WITH THE LIST OF MEMBER SOCIETIES WITHOUT INSISTING FOR COMPLIANCE OF SECTION 20(2)(A-IV) THE KARNATAKA CO-OPERATIVE SOCIETIES ACT, D) ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.4 AND 5 TO INCLUDE THE NAMES OF THE PETITIONERS IN THE ELIGIBLE VOTERS LIST OF RESPONDENT NO.5 SOCIETY.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for the petitioners and learned Additional Advocate General along with learned Additional Government Advocate for respondent-State.

2. This petition is filed seeking following reliefs:

- "a) *Declare that Sec. 20(2) (a-iv) of the Karnataka Co-operative Societies Act 1959, as inserted by Section 12 of Karnataka Act No.03/2013 published in the Gazette on 11.02.2013 is ultra virus and lacks legislative competency in view of Article 243 and 243 ZO of the Constitution of India, vide Annexure-D.*
- b) *Issue a writ, order or direction in nature of certiorari quashing Annexure-C viz., eligible voters lists members dated Nil published by the respondent No.5 insofar as the petitioners herein are concerned.*
- c) *Issue a writ in the nature of Mandamus or any other appropriate writ, order or direction, directing the respondents to conduct the elections to the respondent No.5 Society for the term 2024-2029 in accordance with the list of member societies without insisting for compliance of Section 20(2)(a-iv) the Karnataka Co-operative Societies Act.*
- d) *Issue a writ in the nature of mandamus directing the respondent Nos.4 and 5 to include the names*



of the petitioners in the eligible voters list of respondent No.5 society.

e) Pass such other orders as may be appropriate in the facts and circumstances of the case, in the ends of justice and equity."

3. Petitioners claim to be the members of respondent No.5 – Society, namely, Multipurpose Prathamika Grameena Krushi Sahakari Sangha Niyamitha at Bhantanur, Talikoti Taluk, Vijayapur District, registered under the Provisions of Karnataka Co-operative Societies Act, 1959 (for short, 'the Act'). Respondent-Society published the eligible and ineligible voters list wherein 25 members were eligible voters and 445 were ineligible voters. The Returning Officer issued calendar of events to hold elections to the Co-operative Society. As per the calendar of events, the last date for filing of nomination was on 20.01.2025; last date for withdrawal of nomination was on 22.01.2025 and Elections were scheduled to be conducted on 27.01.2025.



4. The petitioners being aggrieved by the ineligible voters list published and in view of violation of Rule 13D of the Karnataka Co-operative Societies Rules, 1960, approached this Court. This Court vide interim order dated 25.01.2025 permitted the petitioners to cast their votes in the ensuing elections which was scheduled on 27.01.2025. However, it was ordered that the votes cast by the petitioners be kept in a separate ballot box and shall not be counted. The Returning Officer was permitted to proceed with the declaration of the results. However, the same was subject to outcome of this petition. In view of said interim order, the votes cast by the petitioners are yet to be counted as the same are kept in a separate ballot box.

5. In view of the fact that the elections are over and the results are announced, the votes of the petitioners, which at the instance of an interim order are kept in a separate ballot box, are not taken into consideration for counting. Learned counsel for the



petitioners contends that the ineligible voters who have approached this Court and whose votes have been kept in a separate ballot boxes are to be taken into account and the results be declared accordingly.

6. Learned Additional Government Advocate representing the State contends that the present petition itself is not maintainable as there is an alternative and efficacious remedy available under Section 70 of the Act for the petitioners in case of any dispute arises with regard to the election process. This Court in several judgments have pronounced that any challenge made to the Election process or Management of the Co-operative Society, the petitioners would be entitled to raise a dispute under Section 70 of the Act. Having not done so, it may not be appropriate for this Court to intervene in the election process once it has already begun. It is open to the petitioners to approach the Registrar under Section 70 of the Act. The Registrar shall decide the validity of the votes cast by the petitioners, which have been kept in separate



ballot boxes, in accordance with law, within six months from the date of receipt of a copy of this order.

7. It is made clear that the Registrar, while dealing with such petitions, if any filed, shall pass orders expeditiously, after affording an opportunity of hearing to the parties concerned. Accordingly, writ petition stands ***disposed of.***

Ordered accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

VNR
List No.: 4 Sl No.: 10
CT:MH