



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200539 OF 2026 (CS-EL/M)

BETWEEN:

1. BASHIR SAB S/O RAMZAN SAB,
AGE: 55 YEARS, OCC: AGRICULTURE,
(MEMBERSHIP NO.LF-56/163),
R/O GAJARAL VILLAGE,
TQ AND DIST. RAICHUR-584112.
2. VIRUPAKSHA S/O YELLAPPA,
AGE: 57 YEARS, OCC: AGRICULTURE,
(MEMBERSHIP NO.LF-54/86),
R/O PATTEPURA VILLAGE,
TQ. AND DIST.RAICHUR-584114.
3. SIDDARAMAPPA S/O DABBAYYA,
AGE: 65 YEARS, OCC: AGRICULTURE,
(MEMBERSHIP NO.LF-49/171),
R/O CHANDRABAND VILLAGE,
TQ. AND DIST.RAICHUR-584115.
4. VIJAYA BASKAR REDDY S/O RANGAREDDY,
AGE: 48 YEARS, OCC: AGRICULTURE,
(MEMBERSHIP NO.LF-56/102),
R/O GUNJALLI VILLAGE,
TQ. AND DIST.RAICHUR-584116.
5. LAXMI REDDY S/O VENKANNA,
AGE: 55 YEARS, OCC: AGRICULTURE,
(MEMBERSHIP NO.LF-54/158),
R/O RAICHUR, TQ. AND DIST.RAICHUR-584106.

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



6. ANJENAYYA S/O BHIMAPPA KOMBIN,
AGE: 48 YEARS, OCC: AGRICULTURE,
(MEMBERSHIP NO.LF-57/160),
R/O MARCHED VILLAGE,
TQ. AND DIST.RAICHUR-584106.

...PETITIONERS

(BY SRI. MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, BENGALURU-560001.
2. THE REGISTRAR CO-OPERATIVE SOCIETIES,
ALI ASKAR ROAD, BENGALURU-560 052.
3. THE ELECTION OFFICER
AND THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
KALABURAGI DIVISION, KALABURAGI,
DIST.KALABURAGI-585102.
4. THE STATE CO-OPERATIVE ELECTION AUTHORITY,
3RD FLOOR, SHANTHI NAGAR,
T.T.M.C 'A' BLOCK, SHANTHINAGAR,
BENGALURU-560 027.
5. THE DEPUTY COMMISSIONER/
DIST. ELECTION OFFICER,
CO-OPERATIVE ELECTION
AUTHORITY, RAICHUR,
DIST.RAICHUR-584 101.
6. THE ELECTION OFFICER/
DEPUTY REGISTRAR
OF CO-OPERATIVE SOCIETIES,
RAICHUR, TQ.AND DIST.RAICHUR-584 101.



7. THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES,
RAICHUR,
TQ.AND DIST.RAICHUR-584 101.
8. THE RETURNING OFFICER,
PRIMARY CO-OPERATIVE SOCIETY,
AGRICULTURE & RURAL
DEVELOPMENT BANK LTD., RAICHUR,
TQ. AND DIST. RAICHUR-584101.
9. THE CHIEF EXECUTIVE OFFICER (MANAGER),
PRIMARY CO-OPERATIVE SOCIETY,
AGRICULTURE AND RURAL
DEVELOPMENT BANK LTD., RAICHUR
TQ. & DIST. RIACHUR-584101.
10. THE VOTERS LIST VERIFICATION OFFICER,
PRIMARY CO-OPERATIVE SOCIETY,
AGRICULTURE & RURAL
DEVELOPMENT BANK LTD., RAICHUR,
TQ. AND DIST. RAICHUR-584101.

...RESPONDENTS

(BY SRI. JAISHANKAR SHESHADRI, AGA FOR R1 TO R7;
SRI. AMRESH S. ROJA, ADVOCATE C/R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED CALENDAR OF EVENTS PUBLISHED ON 29.01.2026 TO CONDUCT ELECTIONS TO THE 9TH RESPONDENT SOCIETY VIDE ANNEXURE-C BEARING NO., ಸಂ:ಪಿಠಾಡ್ ಬ್ಯಾಂಕ್/ರಾ/ಚುನಾವಣೆ/2025-26 PASSED BY RESPONDENT No.8 AND CONSEQUENTIALLY DIRECTED THE RESPONDENTS TO CONDUCT ELECTIONS IN ACCORDANCE WITH THE PROVISIONS OF KARNATAKA CO-OPERATIVES SOCIETIES ACT AND RULES. ISSUE A WRIT, ORDER OR DIRECTION IN NATURE OF CERTIORARI THEREBY QUASHING ANNEXURE-A, A1 TO A11 AND ANNEXURE-B, B1 TO



B11 VIZ. THE ELIGIBLE AND INELIGIBLE VOTERS LIST PUBLISHED BY THE RESPONDENT NO.8 AND 9, B) 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.9 SOCIETY IN ACCORDANCE WITH THE PROVISIONS OF KARNATAKA CO-OPERATIVE SOCIETIES ACT AND RULES.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for the petitioners, learned Additional Government Advocate for respondent Nos.1 to 7 and learned counsel for caveator/respondent No.9.

2. This petition is filed seeking the following reliefs:

"a) Issue a writ in the nature of certiorari to quash the impugned calendar of events published on 29.01.2026 to conduct elections to the 9th respondent society vide Annexure-C bearing No. ಸಂ:ಪಿಠಾಡ್ ಬ್ಯಾಂಕ್/ರಾ/ಚುನಾವಣೆ/2025-26 passed by respondent 8 and consequentially directed the respondents to conduct elections in accordance with the provisions of Karnataka Co-operatives Societies Act and Rules. Issue a writ, order or direction in nature of certiorari thereby quashing Annexure-A, A1



to A11 and Annexure-B, B1 to B11 viz. the eligible and ineligible voters list published by the respondent Nos.8 and 9.

b) 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.9 society in accordance with the provisions of Karnataka Co-operative Societies Act and Rules.

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

3. The case of the petitioners is that respondent No.9-Society was registered under the provisions of the Karnataka Co-operative Society Act, 1959 (for short, 'the Act'). It has a Managing Committee of 12 members. The Managing Committee of respondent No.9-Society came to be expired in the year 2025-26. Pursuant to which, the Election Authority notified the elections to respondent No.9 society, appointed Election Officer as well as Returning Officer to conduct elections. In the process of conducting elections, the voters list came to be prepared. The petitioners were shocked to see that their names were not



found in the eligible list to contest and vote in the ensuing elections scheduled on 30.01.2026 to 14.02.2026.

4. Learned counsel for the petitioners contends that there are total 12 constituencies of respondent No.9-Society. Out of which, 11 constituencies are classified as borrower's constituency and 01 non-borrower's constituency. Learned counsel for the petitioners contends that out of 3,303 members, there are only 31 eligible voters. The respondents without following due process and procedure for preparation of the voters' list, as contemplated under the Co-operative Societies Act and the Rules, and behind the back of all the members who are eligible to contest and cast their votes, have been deliberately made ineligible with malafide intentions and ulterior motive and having not included several petitioners in the voters' list and describing them as ineligible, published calendar of events on 29.01.2026. The date for commencement of filing of nomination was on 30.01.2026. Last date for filing of the nomination on 06.02.2026. The



verification for filing of the nomination papers is on 07.02.2026. Conducting of election is scheduled on 14.02.2026 and the declaration of result is on 14.02.2026.

5. It is the vehement contention of learned counsel that respondent No.9 - Society which consists of 3,303 members, did not conduct any General Body Meeting for the past five years. It is also contended that no notice is issued to the members including the petitioners herein with regard to conducting of the General Body Meeting and out of 3,303 members, respondent No.9 Society published ineligible voters list of 3,272, thereby making only 31 members of the Society to be eligible to contest and cast their votes. The preparation of the voters list was published, therefore, in view of declaring only 31 members as eligible and declaring 3,272 members to be ineligible, the respondent No.9 has clearly violated the provisions of Rule 13D(2) of the Karnataka Co-operative Societies Rules, 1960 (for short, 'the Rules').



6. Learned counsel further contends that the entire process and procedure followed in an attempt to sabotage the elections is a clear abuse of the democratic process of conducting elections and the publication of voters list of only 31 members out of 3,303 is arbitrary, illegal and apparently favouritism shown to particular candidates with mala fide and ulterior motive. It is further contended that 3,272 members who are made ineligible is arbitrary and without following due process of law as no notices are served. It is also contended by learned counsel that the only reason assigned for denying the voting rights to the petitioners herein is on account of the petitioners not attending two General Body Meetings and not utilising the services of the respondent No.9-Society. Therefore, learned counsel contends that unless the members are intimated about the General Body Meeting, they cannot be expected to attend the meeting. As stated earlier, it is the grievance that personal notices have not been issued to



each of these petitioners and they have been disqualified, which is liable to be quashed.

7. There is a violation of the provisions of Rule 13D(2) of the Rules and therefore the entire process followed by respondent No.9-Society is contrary to the Act and the Rules of the Co-operative Society.

8. On these grounds, learned counsel contends that the action of the respondents is an abuse of process of law, clearly made with an intent to sabotage the elections, only to favour a few of their own whims and fancies. Hence, any such attempt to not conduct elections and following undemocratic process could be interfered by this Court under Articles 226 and 227 of the Constitution of India. Hence, he seeks to allow this petition and quash the calendar of events and direct fresh notification of the calendar of events by issuing proper notice to the petitioners and others.



9. *Per contra*, learned counsel for respondent No.9-Society submits that there is no illegality or perversity in the order passed by the Society as the process and procedure was followed at the time of issuance of calendar of events. It is totally denied by the learned counsel for respondent No.9-Society that no notice was issued. In fact, he contends that this is a matter of fact which has to be decided in the proper forum and not before this Court under Articles 226 and 227 of the Constitution of India.

10. He further contends that primarily this petition is not maintainable, as petitioners who are seeking a relief under the writ jurisdiction on the ground that notices were not served will have to be primarily proved that no notices were issued and it is for the respondents to prove and show that notices were issued in accordance with the Act and the Rules of the Cooperative Societies and whether there is a participation in the meeting and whether they were absent. All these aspects will have to be decided in



an appropriate forum and not before this Court under Articles 226 and 227 of the Constitution of India. Learned counsel further contends that any such dispute that occurs under the Co-operative Societies Act with regard to the election process, conducting of elections and the process followed is amenable to a dispute under Section 70 of the Act, the parties would have to be relegated to the appropriate authority to adjudicate any such questions of fact which are agitated by the petitioners.

11. In the present case, it is contended that the petitioners have specifically alleged that no notices were issued; however, the said allegation is not admitted and is categorically denied by respondent No.9. Though learned counsel for the petitioners has placed reliance on the orders passed by a Co-ordinate Bench of this Court, learned counsel for the respondents has controverted the same, contending that in the said order, the question of jurisdiction to maintain the present writ petition was neither raised nor considered. Therefore, it cannot be



treated as binding precedent, particularly in view of the subsequent orders passed by this Court on the issue.

12. Learned counsel for respondent No.9 relies on the orders of this Court, in the case of ***Tadakal Women Milk Producers Co-operative Society Limited and Others Vs. State of Karnataka and others***, in W.P.No.204109-113/2018 and connected matters disposed of on 13.03.2020; in the case of ***Rajshekar and Others vs. The State of Karnataka and Others [2025:KHC-K:6054]***; in the case of ***Sri.B.Ganganna and Others vs. State of Karnataka in*** W.P.No.29014/2023 disposed of on 24.01.2024 and the order of this Court in the case of ***Arvind Reddy and Others vs. The State of Karnataka and Others [NC:2026:KHC-K:440]***.

13. Having heard learned counsel for the petitioners and learned Additional Government Advocate and learned counsel for respondent No.9, the point that arises for consideration is whether the present petition is maintainable before this Court in view of the fact that the



petitioners are questioning the calendar of events, pursuant to issuance on the ground that no proper notice was issued to the petitioners who are members of respondent No.9-Society.

14. Apparently, there is no dispute with regard to the fact that the petitioners are members of respondent No.9-Society. However, their names have been included in the list of ineligible voters published by respondent No.9 prior to the issuance of the calendar of events. As per the said list, 3,272 members have been declared ineligible. Out of a total membership of 3,303 members in the Society, only 31 members have been shown as eligible to contest and to cast their votes.

15. The Co-ordinate Bench of this Court in the case of **Rajshekhar** (supra), at paragraph-9 had an occasion to deal with similar issue and relying upon the judgment in the case of *Election Commission of India through Secretary vs. Ashok Kumar and others* [(2000) 8 SCC 216] held as under:



"9. Apex Court in the case of ***Election Commission of India through Secretary vs. Ashok Kumar and others*** (supra) referring to its various earlier *judgments* at paragraphs 31 and 32 has summed up as under:

"31. The founding fathers of the Constitution have consciously employed use of the words no election shall be called in question in the body of Section 329 (b) and these words provide the determinative test for attracting applicability of Article 329 (b). If the petition presented to the Court calls in question an election the bar of Article 329 (b) is attracted. Else it is not.

32. For convenience sake we would now generally sum up our conclusions by partly restating what the two Constitution Benches have already said and then adding by clarifying what follows therefrom in view of the analysis made by us hereinabove:-

1) If an election, (the term election being widely interpreted so as to include all steps and entire proceedings commencing from the date of notification of election till the date of declaration of result) is to be called in question and which questioning may have the effect of interrupting, obstructing or protracting the election proceedings in any manner, the



invoking of judicial remedy has to be postponed till after the completing of proceedings in elections.

2) Any decision sought and rendered will not amount to calling in question an election if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.

3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.

4) Without interrupting, obstructing or delaying the progress of the election proceedings, judicial intervention is available if assistance of the court has been sought for merely to correct or smoothen the progress of the election proceedings, to remove the obstacles therein, or to preserve a vital piece of evidence if the same would be lost or destroyed or rendered irretrievable by the time the results are declared and stage is set for invoking the jurisdiction of the court.



5) The Court must be very circumspect and act with caution while entertaining any election dispute though not hit by the bar of Article 329(b) but brought to it during the pendency of election proceedings. The court must guard against any attempt at retarding, interrupting, protracting or stalling of the election proceedings. Care has to be taken to see that there is no attempt to utilise the courts indulgence by filing a petition outwardly innocuous but essentially a subterfuge or pretext for achieving an ulterior or hidden end. Needless to say that in the very nature of the things the court would act with reluctance and shall not act except on a clear and strong case for its intervention having been made out by raising the pleas with particulars and precision and supporting the same by necessary material."

(emphasis supplied)

10. In the case of **Supreme Court Bar Association and others vs. B.K.Kaushik** (*supra*) at paragraph 60 has held as under:

"60. Further, the appellants had rightly pointed out to the learned Judge that election process had already started and, therefore, injunction, as claimed, should not be granted. Since 1952 this Court has authoritatively laid down that once election process has started the courts should not ordinarily interfere with the said process by way of granting injunction....."



11. xxxxx

12. *The vehement submission of learned counsel for the petitioners in justification of maintainability of the present writ petition is purported gross violation of Clause (d) of sub-rule (3) of Rule 13-D of the KCS Rules, 1960 providing for publication of final list of eligible voters with fifteen clear days prior to the date of election. That in the instant case voters' list is published on 07.09.2025 as per Annexure-B while election notification has been published on 10.09.2025 as per Annexure-C. The calendar of events have commenced on and from 12.09.2025 and the date for polling is fixed to be held on 27.09.2025. Thus, the period between the publication of list of voters and publication of calendar of events is just about three days, thereby violating the rules providing period of fifteen clear days for the elections from the date of publication of list of voters.*

13. *The learned counsel for the petitioners emphatically submits the period of fifteen clear days contemplated under Clause (d) of sub-rule (3) of Rule 13-D of the KCS Rules, 1960 shall be construed between the date of publication of list of voters and the date of coming into effect of calendar of events and not the date fixed for polling. He submits only such construction to the language used in Clause (d) of sub-rule (3) of Rule 13-D of the KCS Rules, 1960 would justify the requirement of providing sufficient period to the eligible voters or to the persons who*



have been left out of the list to redress their grievance, failing which the same would result in depriving the constitutional and fundamental rights of the petitioners."

16. The Co-ordinate Bench of this Court while deciding the similar matter dealt with in detail with regard to the process and procedure of conducting of elections and the provisions of Rule 13D of the Rules at paragraph number 20 and 21 held as under:

"20. Having held as above, the other contentions urged is with regard to manner and method of preparation of voters list by the respondent No.6. As already noted there has been consistent judicial discipline and precedents that once the calendar of events are issued and if the dispute raised involves questions of fact, the Court shall not interfere. Exception, however, is indeed provided only if the issue raised to subserve the progress of election and facilitates completion of election.

21. In the instant case, questions that are raised with regard to non-consideration of eligibility of about 21,000 voters/members are as to whether these members were served with notice as contemplated under Rule 13-D of the KCS Rules, 1960? whether the service was sufficient? and whether they had an opportunity to present their case or not? These are the questions of fact which



cannot be gone into in this petition under Article 226 of the Constitution of India, inasmuch as consideration of the same would neither subserve the progress of election nor facilitate its completion. It is for this reason Section 70 of the KCS Act, 1959 has been provided for the parties aggrieved to canvass their grievance before the appropriate authority which would adjudicate upon the questions of fact."

17. Thereafter, relying upon the order in the case of

Muhammed Beary and others vs. State of Karnataka

in W.P.No.29271/2023 at paragraph No.12 held as under:

"12. The case of the petitioners is not that the voters list have been prepared on the basis of a non existing rule. On the other hand it is their case that there is non compliance of the applicable rules while preparing the voters list. Compliance or otherwise of the rules while preparing the voters list is a question of fact which cannot be gone into in a petition under Article 226 of the Constitution of India. In view of there being effective remedy available to the petitioners any indulgence by this Court at this stage of the election process would be an exercise in futility and is unwarranted. Keeping open all contentions of the petitioners to be urged in the proceeding to be initiated, if advised, under Section 70(2) of the Karnataka Co-operative Societies Act, the instant petitions are disposed of.'



18. In conclusion, the Co-ordinate Bench of this Court dismissed the writ petition holding that there was no violation of Rule 13D(3)(b) of the Rules. It is further seen that in the case of ***Tadakal Woman Milk Producers Co-operative Society*** (supra) Co-ordinate Bench of this Court again had the occasion on an earlier occasion dealt with the question of the constitutional right to form a society and whether it would be a fundamental right to vote which was held to be far different and held to be not, cannot be countenanced and the constitutional validity of Section 20(2)(a-iv) of the Act came to be negated. It also dealt with the alternative remedy made available under the statute to be invoked.

19. This Court in another order in the case of ***Sri B Ganganna and Ors. v. The State of Karnataka and Ors. [ILR 2024 KAR 1901]*** relied upon these very same orders and came to the conclusion that when there is an alternative efficacious remedy provided under the statute, the same would have to be invoked unless there is



extraordinary circumstances which of course, the Court will have to interfere if a valid ground and case is made out.

20. In the present case on hand, the extraordinary circumstances brought before this Court by the petitioners is that out of 3,303 members, only 31 members are declared to be eligible and 3,272 members are declared to be ineligible. May be the volume shows large numbers and only very minor to be eligible to be casting vote and contesting, but that alone will not give the leeway for the petitioners to approach this Court to invoke the writ jurisdiction under Articles 226 and 227 of the Constitution of India. It is *res integra* in the cases of elections, once the calendar of events are issued, the election process should not be interfered or interjected by the Courts and if any party is aggrieved for any reason whatsoever, he has a liberty to challenge the elections in a manner known to law.



21. The orders referred herein above and there are several other judgments of the Apex Court and this Court which have consistently held that once the election notification is issued, the process of election begins and Courts should generally not interfere or interject and in case of any such interjection by granting any interim order in the election process and while deciding the main matter, if the Court were to dismiss the petition, the election process should commence from the period when it was interjected or interrupted, and not make the election process to begin all over again.

22. In the present case on hand, the calendar of events are already published which is questioned along with the list of eligible voters list, as very minute number of members are eligible to contest and cast their votes. Nothing prevented the petitioners from raising a dispute before the Registrar of Co-operative Societies under Section 70 of the Act as that is the remedy provided by the statute which could have been availed rather than



approaching this Court. As the same having not been done, this Court is not inclined to accept the version of there being an extraordinary and exceptional case made out by the petitioners to entertain this petition.

23. Therefore, this Court keeping in mind the discipline of judicial propriety which is maintained in several orders referred to hereinabove, I am of the opinion to not interfere in the matter on hand. Of course, liberty would have to be reserved to petitioners to approach the alternative forum available for them to raise any dispute, if so advised.

24. Accordingly, I pass the following:

ORDER

- i. Writ petition is ***dismissed***.
- ii. Liberty is reserved to the petitioners to approach the appropriate authority to file an Election Petition or raise a dispute



under Section 70 of the Karnataka
Co-operative Societies Act.

- iii. If any such dispute is raised, the same
shall be considered expeditiously by the
concerned authorities.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

VNR
List No.: 2 SI No.: 10
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