



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF MARCH, 2024

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO.8123 OF 2024 (CS-EL/M)

BETWEEN:

SRI. GANAPATHY G. S.,
S/O GK SOMAIAH,
AGED ABOUT 50 YEARS,
ECHOOR VILLAGE,
KUNDA VIRAJPET,
KODAGU- 571216,
DELEGATE EICHOOR GRAIN CO-OPERATIVE BANK.

...PETITIONER

(BY SRI. JAYAKUMAR S. PATIL, SENIOR ADVOCATE A/W
SRI. VARUN J. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF CO-OPERATION,
VIDHANA SOUDHA,
BANGALORE-560 001,
REPRESENTED BY ITS
PRINCIPAL SECRETARY.
2. THE REGISTRAR CO-OPERATIVE SOCIETIES,
ALI ASKER ROAD,
BANGALORE-560 052.
3. THE DEPUTY COMMISSIONER,
KODAGU DISTRICT,
KODAGU-571 201.





4. THE ASSISTANT COMMISSIONER,
KODAGU DISTRICT-571 201,
KODAGU, ALSO RETURNING OFFICER,
THE KODAGU DCC BANK.

5. THE KODAGU DCC BANK,
MYSORE MADIKERI MAIN ROAD,
MYSORE MADIKERI MAIN ROAD,
NEAR TOWN HALL,
CHICKPET, STUART HILL, MADIKERI,
KARNATAKA-571 201,
REPRESENTED BY ITS SECRETARY.

6. THE STATE CO-OPERATIVE ELECTION AUTHORITY,
3RD FLOOR, TTMC A BLOCK,
SHANTHINAGAR, BANGALORE-560 027,
REPRESENTED BY ITS SECRETARY.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG ALONG WITH
SRI. SIDHARTH BABU RAO, AGA FOR R1 TO 4;
SRI. T.L.KIRAN KUMAR, ADVOCATE FOR R6;
NOTICE TO R5 IS WAIVED V/O DATED 15.03.2024)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER BEARING NO. CO 34 CLM 2024 DATED
13/03/2024 PASSED BY R1 VIDE ANNEXURE-D IN THE
INTEREST OF JUSTICE AND EQUITY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

Learned Additional Government Advocate accepts notice for respondents No.1 to 4. Notice to respondent No.5 is waived for the present. Learned counsel Sri. T. L. Kiran Kumar accepts notice for respondent No.6.

2. The petitioners have sought for issuance of writ of certiorari to quash the impugned order dated 13.03.2024 at Annexure-'D', whereby the notification is issued postponing all elections in respect of Co-operative bodies. The petitioners have also sought for issuance of writ in the nature of mandamus to direct respondent No.4 to conduct the election as per Calendar of Events published on 01.03.2024.

3. Sri. Jayakumar S. Patil, learned Senior Counsel appearing on behalf of the petitioners submits that in the peculiar facts of the present case, taking note of the Calendar of Events at Annexure-'B', the Calendar of Events was issued on 01.03.2024 and the detailed steps provided including filing of nominations on 09.03.2024, scrutiny of



nominations on 10.03.2024, announcing of the valid nominations on 10.03.2024 after scrutiny, the time prescribed for withdrawal of nomination till 3.00 p.m. on 11.03.2024, publication of list of those remaining in the frame on 11.03.2024 as well as the subsequent stage of allotment of symbols on 11.03.2024 has been completed.

4. It is further submitted that the list of those along with their symbols is also published on 13.03.2024. It is submitted that what remains is only voting and counting on 17.03.2024 which is the last stage of the Calendar of Events. It is further submitted that number of eligible voters in the election of respondent No.5 - Society would be 208 and considering that the stage in the election process is all but complete, except for date of voting and counting and exception be made as regards applicability of the notification at Annexure-'D' insofar as the present petition is concerned.

5. Learned Additional Advocate General appearing for the State would submit that the notification at



Annexure-'D' has been passed keeping in mind the assignment of work to the officials by the Election Commission and in all likelihood the code of conduct would come into force tomorrow i.e., 16.03.2024. Accordingly, it is submitted that any effort to carve out an exception may have an impact on the executability of the notification at Annexure-'D'.

6. Heard learned Senior Counsel appearing on behalf of the petitioner and learned Additional Advocate General appearing for the State.

7. Without entering into the validity of Annexure-'D' in the peculiar facts of the present case as noticed above, the entirety of the election process is complete including till the announcement of list with respect to those who remain in the electoral fray along with their symbols. What remains is voting and counting slated on the same date on 17.03.2024. Taking note that the number of voters would be 208, an exception could be



made to order insofar as completion of the election process which is now all that concluded.

8. Accordingly, in the peculiar facts of the case, while making it clear that it cannot be relied upon as a precedent in other matters taking note of the advance stage of which election process is at and noticing that as on date the code of conduct also has still not come into force, relief may be granted as prayed for.

9. Accordingly, respondent No.4 is directed to complete the election process in the election of respondent No.5 - Society as per the Calendar of Events.

10. Copy of this order also to be marked to the Chief Election Commissioner, Election Commission of India.

Accordingly, petition is ***disposed off***.

**Sd/-
JUDGE**