



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 24TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

WRIT PETITION NO. 107859 OF 2024 (CS-EL/M)

BETWEEN:

B.M. PAMPAPATHY S/O VEERABHADRAIAH
AGE. 43 YEARS, OCC. AGRICULTURIST,
R/O. #115, 1ST WARD, GORAVARA ONI,
VTC, BALAKUNDI, SHIRAGUPPA, DIST. BALLARY-583122.

...PETITIONER

(BY SMT. RANJITA G. ALAGAWADI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY IT'S SECRETARY
DEPT. OF CO-OPERATION,
M.S. BUILDING, BENGALURU-01.
2. DISTRICT ELECTION OFFICER AND
THE DEPUTY REGISTRAR OF CO-OP SOCIETIES
OF SUB-DIVISION PRIMARY CO-OP SOCIETY
BALLARY-583122.
3. RETURNING OFFICER AND
ASSISTANT REGISTRAR CO-OPERATIVE SOCIETY
UPPAR HOSALLI, SHIRAGUPPA, BALLARY-583122.
4. THE SECRETARY
PRATHAMIK KRUSHI PATTIN SAHAKAR SANGH,
UPPAR HOSALLI, SHIRAGUPPA, BALLARY-583122.

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO, A) ISSUE A WRIT OF CERTIORARI BY SETTING ASIDE THE ENDORSEMENT ISSUED BY THE 3RD RESPONDENT VIDE ANNEXURE-D DATED 22/12/2024. B) ISSUE A WRIT OF MANDAMUS DIRECTING THE RETURNING OFFICER TO RECONSIDER THE NOMINATION BY THE PETITIONER FOR GENERAL CATEGORY DATED 18/12/2024 AND ALLOW HIM TO CONTEST IN ELECTION GOING TO BE HELD ON 29/12/2024. C) PASS SUCH OTHER ORDERS AS THIS HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI)

Writ petition is filed seeking for following reliefs.

- a) Issue a writ of certiorari by setting aside the endorsement issued by the 3rd respondent vide Annexure-D dtd 22/12/2024.
- b) Issue a Writ of mandamus directing the Returning officer to reconsider the nomination by the petitioner for general category dtd.18/12/2024 and allow him to contest in election going to be held on 29/12/2024.
- c) pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case, including costs, in the interest of justice and equity.

2. Smt.Ranjita G. Alagawadi, learned counsel for petitioner submitted that petitioner was member of respondent no.4-Society. He was eligible to cast vote and contest in election scheduled to be held on 29.12.2024 as per Calendar of Events at Annexure-A. It was submitted, petitioner filed nomination dated 16.12.2024 under category IIIB as per Annexure-B. He later filed another nomination for contesting under General Category on 18.12.2024 as per Annexure-C.



3. On consideration but without giving opportunity to petitioner respondent no.3-Returning Officer rejected application filed for contesting under general category at Annexure-C by issuing endorsement at Annexure-D.

4. It was further submitted that respondent no.3 had thereafter assured petitioner to reconsider rejection in case petitioner withdraw his nomination at Annexure-B. In pursuance of same, petitioner is withdrew his nomination at Annexure-B. Consequently, respondent no.3 issued endorsement at Annexure-E rejecting petitioner's nomination at Annexure-B.

5. It was submitted that respondent no.3 did not reconsider rejection of petitioner's nomination at Annexure-C. Consequently both of petitioner's nomination applications were negated preventing him from contesting in election. It was submitted, since number of candidates contesting under General category were only three for five seats, there was no impediment for reconsideration of petitioner's application at Annexure-C. Hence, sought for allowing writ petition.



6. On other hand, Sri T.Hanumareddy, learned Additional Government Advocate for respondent no.1 on advance notice sought to oppose writ petition by referring to proviso to Rule 14-A of Karnataka Co-operative Societies Rules, 1960 (for short, 'Rules').

7. Heard learned counsel and perused writ petition record.

8. From above, filing of first nomination application under category IIIB on 16.12.2024 and second nomination application for contesting under general category on 18.12.2024 by petitioner are not in dispute. As per Calendar of Events at Annexure-A, date for scrutiny of nominations was 22.12.2024. As on said date, both applications filed by petitioner were on record. Proviso to Rule 14-A of Rules governing nomination applications, reads as follows:

"14-A. Presentation of nomination paper.-(1) On or before the date appointed for making nominations, each candidate shall in person deliver to the returning officer [or the Assistant Returning Officer] at the place specified in this behalf, a nomination paper duly completed in Form-XIII and signed by the candidate and another member with right to vote as proposer. Such nomination shall also contain a declaration signed by the candidate expressing his willingness to stand as a candidate



for election to the board of the society from a general constituency or a constituency reserved for SCs or STs or Women or Backward Classes:

Provided that no member/delegate shall be a candidate for more than one constituency and that no member/delegate shall propose more than one candidate from the same constituency:

9. Bare perusal of proviso would indicates prohibition against filing of more than one application by a candidate for same constituency. Admittedly petitioner had filed two applications though under different reservation category but for same constituency. Though petitioner claims to have filed application for withdrawal of first nomination application at Annexure-B, same is only after consideration and rejection of his nomination application at Annexure-C. As on date of scrutiny of nomination applications, petitioner had not expressed his choise to pursue one among two nomination applications. In that view of matter, impugned order would not call for interference. Hence, writ petition is dismissed.

**Sd/-
(RAVI V.HOSMANI)
JUDGE**