

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL ,2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.4891 OF 2025 (CS-EL/M)

C/W

WRIT PETITION NO.4886 OF 2025 (CS-EL/M)

IN WP No. 4891/2025

BETWEEN:

1. B.D. BHUKANTH
S/O DHARMAPPA
AGED ABOUT 64 YEARS
2. HONNAIAH V. HIEMATH
S/O VEERABHADRAIAH
AGED ABOUT 56 YEARS
3. H. ASHOK
S/O HANUMANTHI GOWDA
AGED ABOUT 56 YEARS
4. T. RAJESH
S/O THIMMAPPA
AGED ABOUT 64 YEARS
5. S.B. BADA WADGI
S/O BASAVARAJU
AGED ABOUT 44 YEARS
6. Y. SRINIVASE GOWDA
S/O YALAKKE GOWDA
AGED ABOUT 59 YEARS

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CHAYAS A

Location: HIGH
COURT OF
KARNATAKA

7. DR. NAGENDRA H.L.
S/O LINGE GOWDA
AGED ABOUT 48 YEARS

8. G. MALLIKARJUNAIAH
S/O GANGADHRAIAH
AGED ABOUT 66 YEARS

PETITIONERS NO.1 TO 8 ARE
DIRECTORS OF KARNATAKA STATE
CO-OPERATIVE CREDIT SOCIETIES
FEDERATION LTD.,
NO.126, 1ST MAIN ROAD,
RAJIVAGANHDI NAGAR,
NANDINI LAYOUT,
BENGALURU -560 096.

...PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR CONSEL FOR
SRI. DEVI PRASAD SHETTY, ADVOCATE)

AND:

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIEITES
URBAN BANKS CELL,
OFFICER OF REGISTRAR OF
CO-OPERATIVE SOCITIES
NO.1 ALI ASKER ROAD,
BENGALURU -560001.

2. MAHESH
S/O NOT KNOWN TO PETITIONER
AGE ABOUT NOT KNOWN
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
URBAN BANKS CELL,
OFFICE OF REGISTRAR OF CO-OPERATIVE
SOCIETIES, NO. 1,
ALI ASKER ROAD,

BENGALURU-560 001.

3. THE ELECTION OFFICER AND REGIONAL COMMISSIONER
BENGALURU DIVISION,
2ND FLOOR, B.M.T.C BUILDING,
K.H.ROAD, SHANTHI NAGAR,
BENGALURU-560027.
4. THE RETURNING OFFICER AND
KARNATAKA STATE CO-OPERATIVE
CREDIT SOCIETIES FEDERATION LTD
NO.126, 1ST FLOOR, J.B.KAVAL,
RAJIVGANDHI NAGAR,
NANDINI LAYOUT,
BENGALURU-560096.
5. KARNATAKA STATE CO-OPERATIVE
CREDIT SOCIETIES FEDERATION LTD
NO.126, 1ST FLOOR, J B KAVAL
RAJIV GANDHI NAGAR
NANDINI LAYOUT
BENGALURU -560096.
REPRESENTED BY ITS MANAGING DIRECTOR.
6. SRI. SRIKANTESHWARA CREDIT
CO-OPERATIVE SOCIETY LTD,
NO. 14, VISHWASHWARA BHAVAN,
K.R.CIRCLE,
MYSURU-570001
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER
(RESONDENT'S NO.5&6 ARE
REGISTERED UNDER THE KARNATAKA
CO-OPERATIVE SOCIETIES ACT, 1959).

7. C.M. MARE GOWDA
S/O LATE MAREAPPA
AGED ABOUT 40 YEARS.
8. MAHENDRA PRASAD GOWDA
S/O KAMAIAH
AGED ABOUT 44 YEARS.
9. M.J. NARENDRA KUMAR
S/O JAYARAMEGOWDA
AGED ABOUT 58 YEARS.
10. K. KRISHNAMURTHY
S/O LATE KEMPAGULLIAH
AGED ABOUT 56 YEARS.
11. S. CHANDRA SHEKAR
S/O SHIVA NANJAPPA
AGED ABOUT 57 YEARS.
12. DAREPPA M. ALAGURU
S/O MAHADEVA
AGED ABOUT 52 YEARS.
13. DR. SANJAY PANCHAKSHARI HOSAMATH
S/O PANCHAKSHARI
AGED ABOUT 55 YEARS.
14. THAMMANNA B KENCHAREDDY
S/O BALAPPA
AGED ABOUT 56 YEARS.
15. UMESH S. BALI
S/O SHIVAKUMAR
AGED ABOUT 63 YEARS.
16. RAVEENDRA PRAHALAD KALBURGI

S/O PRAHALAD
AGED ABOUT 64 YEARS.

17. JAGADEESH KANDIKERE
S/O NOT KNOWN TO THE PETITIONER
AGE NOT KNOWN TO THE PETITIONER
18. SHIVANANDA BASAPPA NYAMAGOWDA
S/O BASAPPA
AGED ABOUT 44 YEARS
19. CHANDRASHEKAR KOLCHAR
S/O NOT KNOWN TO PETITIONERS
AGED ABOUT 65 YEARS

THE RESPONDENTS NO.7 TO 19 ARE
ALL DIRECTORS OF KARNATAKA STATE
CO-OPERATIVE CREDIT SOCIETIES
FEDERATION LTD. NO.126, 1ST MAIN ROAD,
RAJIVGANDHI NAGAR,
NANDINI LAYOUT,
BENGALURU-560096.

...RESPONDENTS

(BY SRI. YOGESH D. NAIK, AGA FOR R1, R3 & R4;
SRI. M.B. NARGUND, SENIOR COUNSEL FOR
SMT. SONA VAKKUND, ADVOCATE FOR R2;
SRI. P. ANANDA, ADVOCATE FOR R5;
SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. MAHESH C.M., ADVOCATE FOR R11;
SRI. SANDESH T.B., ADVOCATE FOR R7 TO R10
SRI. M.R. RAJAGOPAL, SENIOR COUNSEL FOR
SRI. ANANDA K., ADVOCATE FOR R6;
R12 TO R19 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
ORDER PASSED BY THE RESPONDENT NO.1 UNDER SECTION
71(3) OF KCS ACT, 1959 IN DISPUTE NO. UBC-

03/DIS/1880/2024-25 DATED 13.02.2025 IS HERewith
PRODUCED AS ANNEXURE-G; AND ETC.

IN WP NO. 4886/2025

BETWEEN:

1. C. M. MAREGOWDA
S/O MARIYAPPA
AGED ABOUT 48 YEARS
2. MAHENDRA PRASAD GOWDA
S/O KAMAIHA
AGED ABOUT 42 YEARS
3. M.J. NARENDRA KUMAR
S/O JAYARAMEGOWDA
AGED ABOUT 58 YEARS
4. K. KRISHNAMURTHY
S/O LATE KEMPA GODAIAH
AGED ABOUT 56 YEARS

PETITIONERS ARE THE DIRECTORS OF
KARNATAKA STATE CO-OPERATIVE
CREDIT SOCIETIES FEDERATION LTD.
NO. 126, 1ST MAIN ROAD,
RAJIVGANDHI NAGAR,
NANDINI LAYOUT,
BENGALURU-560096.

...PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. SANDESH T.B., ADVOCATE)

AND:

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
URBAN BANKS CELL,

OFFICE OF REGISTRAR
OF CO-OPERATIVE SOCIETIES,
NO.1, ALI ASKER ROAD,
BENGALURU-560 001.

2. MAHESH
S/O NOT KNOW TO PETITIONERS
AGE ABOUT NOT KNOWN
JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES
URBAN BANKS CELL,
OFFICE OF REGISTRAR OF
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5. KARNATAKA STATE CO-OPERATIVE CREDIT SOCIETIES
FEDERATION LTD
NO.126, 1ST FLOOR, J.B.KAVAL,
RAJIVGANDHI NAGAR,
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BENGALURU-560096
NANDINI LAYOUT,
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REPRESENTED BY ITS
MANAGING DIRECTOR.

6. SRI. SRIKANTESHWARA CREDIT CO-OPERATIVE
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MYSURU-570001.
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.
7. S. CHANDRASHEKAR
S/O SHIVA NANJAPPA
AGED ABOUT 52 YEARS.
8. DAREPPA M ALAGURU
S/O MAHADEVA
AGED ABOUT 52 YEARS
9. DR. SANJAY PANCHAKSHARI HOSAMATH
S/O PANCHAKSHARI
AGED ABOUT 55 YEARS
10. THAMMANNA B. KENCHAREDDY
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12. RAVEENDRA PRAHALAD KALBURGI
S/O PRAHALAD
AGED ABOUT 64 YEARS

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S/O NOT KNOWN TO THE PETITIONER
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21. Y. SRINIVASE GOWDA
S/O YALAKKE GOWDA
AGED ABOUT 59 YEARS

22. DR. NAGENDRA H.L.
S/O LINGE GOWDA
AGED ABOUT 48 YEARS

23. G. MALLIKARJUNAIAH
S/O GANGADARIAH
AGED ABOUT 66 YEARS

THE RESPONDENTS NO.7 TO 23 ARE
DIRECTORS OF KARNATAKA STATE CO-OPERATIVE
CREDIT SOCIETIES FEDERATION LTD.
NO.126, 1ST MAIN ROAD,
RAJIVGANDHI NAGAR.
NANDINI LAYOUT,
BENGALURU-560096.

...RESPONDENTS

(BY SRI. YOGESH D. NAIK, AGA FOR R1, R3 & R4;
SRI. M.B. NARGUND, SENIOR COUNSEL FOR
SMT. SONA VAKKUND, ADVOCATE FOR R2;
SRI. P. ANANDA, ADVOCATE FOR R5;
SRI. DEVIPRASAD SHETTY, ADVOCATE FOR R16 TO R23;
SRI. M.R. RAJAGOPAL, SENIOR COUNSEL FOR
SRI. ANANDA K., ADVOCATE FOR R6;
SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. MAHESH C.M., ADVOCATE FOR R7;
R8 TO R15 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH ORDER PASSED BY THE RESPONDENT NO.1 UNDER
SECTION 71(3) OF KCS ACT, 1959 IN DISPUTE NO. UBC-
03/DIS/1880/2024-25 DATED 13.02.2025 IS HEREWITH
PRODUCED AS ANNEXURE-G; AND ETC.

THESE WRIT PETITIONS HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, ***E.S. INDIRESH J.***, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

CAV JUDGMENT

In W.P.No.4891 of 2025, the petitioners have sought for quashing the order dated 13.02.2025 (Annexure-G), passed by the respondent No.1 under Section 70 of the Karnataka Co-operative Societies Act, 1959 (hereinafter referred to as 'Act') in Dispute No. UBC-3/DIS/1880/2024-25.

2. In W.P.No.4886 of 2025, the petitioners have sought for quashing the order dated 13.02.2025, (Annexure-G) in Dispute No. UBC-3/DIS/1880/2024-25, and further sought for quashing the declaration of the proceedings dated 13.02.2025 (Annexure-H) issued by respondent No.4, declaring the respondent Nos.7 and 8 (S. Chandrashekar and Dhareppa M. Alaguru) as President and Vice President of respondent No.5-

Federation, *inter-alia*, sought for direction to the respondent No.4, to hold elections to the post of President and Vice President, afresh.

In W.P.No. 4891 of 2025

3. The facts relevant for the adjudication of the present writ petition are that, the respondent No.5 is a Federal Society duly registered under the provisions of the Act. Respondent Nos.7 to 19 are the duly elected Directors/delegates of Respondent No.5–Society. They were elected in the elections conducted on 28.01.2025 (Annexure-A) for a tenure of five years, i.e., from 2025 to 2030. The calendar of events pertaining to the said election is produced as Annexure-B. As per the calendar of events, the nomination papers have to be filed by the interested candidates which commences from 1 pm onwards 28.01.2025 and the announcement of eligible final list of candidates was fixed at 3.45 pm and voting would commence from 4 pm to 4.30 pm. It is further

stated that the respondent Nos.7 has filed nomination papers for the post of President and further one Honnaiah Veerabhadraiah Hermath, Y. Srinivase Gowda and Dhareppa Mahadev have filed the nomination for the post of Vice-President. At the time of the electioneering process, the order dated 13.02.2025, passed by the respondent No.1-authority, was produced before the Returning Officer alleging that, one Sri. Srikanteshwara Credit Co-operative Society Ltd, (respondent No.6) has raised dispute against the respondent Nos.7 to 10 herein, and an order of injunction is passed against them restraining the respondent Nos.7 to 10 from participating, contesting and voting in the said elections. In the result, election was held and as such, respondent-S.Chandrashekar was elected as President of the respondent No.5-Society. Thereafter, the petitioners and the respondent Nos.7 to 10 secured the certified copies of the dispute raised by respondent No.6 under Section 70 of the Act.

In the said dispute, respondent No.6 has sought for an enquiry under Section 65 of the Act, against the petitioners and respondent Nos.7 to 10. It is also stated that, proceedings under Section 65 of the Act, was initiated against the then Board of Directors, as well as CEO of the Society, as per order dated 29.05.2024 (Annexure-D). The said order dated 29.05.2024, was challenged by the respondent No.5, before this Court in W.P.No.23075 of 2024, and this court vide order dated 27.08.2024 (Annexure-D1), stayed the enquiry to be initiated under Section 65 of the Act. Thereafter, the Registrar Co-operative Society has passed an order dated 16.10.2024 under Section 64 of the Act as per Annexure-E. The allegation against the then CEO of respondent No.5-Society is as to the misappropriation of funds. It is the case of the petitioners that, an enquiry under Section 64 of the Act is still pending. It is further stated that there was no resolution authorising the Secretary of respondent No.6-Society to raise a

dispute on behalf of the Board under Section 70 of the Act. The grievance of the petitioners is that respondent No.1, acting under extraneous considerations, has passed the impugned order with an intent to prevent the petitioners along with respondent Nos.7 to 10 from participating in, contesting, and voting in the election scheduled on 13.02.2025. Hence, the present petition is filed.

In W.P.No.4886 of 2025

4. Relevant facts for the adjudication of this writ petition are that, the petitioners are the elected Directors of respondent No.5-Federal Society as per Annexure-A. The Returning Officer has issued the calendar of events, fixing the date for the election to the posts of President and Vice-President on 13.02.2025, as per Annexure-B. It is the grievance of the petitioners that, during the election process, at the stage of filing of the nomination papers by interested

candidates, an order dated 13.02.2025 passed by respondent No.1, restraining the petitioners from participating, contesting, and voting in the election for the posts of President and Vice President to the office of the respondent No.5-Federal Society, was produced. Being aggrieved by the said order, the petitioners have presented the writ petition.

5. I have heard Sri. Jayakumar S. Patil, learned Senior Counsel appearing for Sri. Sandesh T. B and Sri. Devi Prasad Shetty, learned counsel for the petitioners; Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for the respondent-State; Sri. M. B. Nargund, learned Senior Counsel appearing for Smt. Sona Vakkund, learned counsel for the respondent No.2; Sri. P. Ananda, learned counsel appearing for the respondent No.5-Federal Society; Sri. Ashok Haranahalli, learned Senior Counsel appearing for Sri. Mahesh .C. M. learned counsel for respondent No.11 in W.P.No.4891 of 2025 and for respondent No.7 in

W.P.No.4886 of 2025; Sri. Sandesh T. B., learned counsel appearing for the respondent Nos.7 to 10 in W.P.No.4891 of 2025; Sri. M.R. Rajgopal, learned Senior Counsel appearing for Sri. Ananda .K, learned counsel for respondent No.6-Society; Sri. Devi Prasad Shetty, learned counsel appearing for the respondent Nos.16 to 23 in W.P.No.4886 of 2025.

6. Sri. Jayakumar S. Patil, learned Senior Counsel appearing for the petitioners in both the writ petitions, contended that, once the election process had commenced, particularly at the stage of filing of nomination papers by the interested candidates, the impugned order dated 13.02.2025 passed by respondent No.1 was produced. Therefore, learned Senior Counsel submitted that the said interim order is wholly without jurisdiction and is contrary to Section 41 of the Specific Relief Act. It is contended that the intention of the respondents is to restrain the petitioners from voting and contesting in the election to

the respondent No.5 society and to help respondent- Sri. S. Chandrashekar, to be elected to the post of President and therefore, sought for interference of this court. By referring to the impugned order passed by the respondent No.1, it is argued by Sri. Jayakumar S. Patil, learned Senior Counsel that, the reasons assigned that, the statutory enquiry and re-audit has been taken as to the affairs of the petitioner-Society therein, and the charges have been levelled against the petitioners herein and same were proved, and therefore, an order of injunction has been passed, restraining the respondent Nos.7 to 10 (in W.P.No.4891 of 2025) from participating, voting and contesting in the elections. The said, order has been passed by the respondent No.1 at the behest of the respondent- Sri. S. Chandrashekar, who has now become the President of respondent No.5-Society, illegally. It is also argued by the learned Senior Counsel for the petitioners, by referring to the notice dated 23.10.2024 (Annexure-

F2), issued to the respondent- Sri. S. Chandrashekar, however, despite such notice has been issued to him like the petitioners herein, no restraint order was passed against the respondent- Sri. S. Chandrashekar, and the said fact would indicate that, the respondent No.1 has passed the impugned order with an intention to facilitate the appointment/election of respondent- Sri. S. Chandrashekar as President of respondent No.5- Federal Soccity. By referring to Annexure-H, it is contended that the order of restraining the petitioners in both the petitions has been passed with an object of securing the election of respondent- Sri. S. Chandrashekar as President and of ensuring the quorum required under Rule 14-AG(6-A) of the Karnataka Co-operative Societies Rules, 1960 (for short, 'the Rules'); Therefore, it is argued that, it is a clear case of arbitrary exercise of power by the respondent authorities and therefore, sought for interference of this Court. It is also argued by the

learned Senior Counsel for the petitioners that as the strength of the Board is 21 members and as such, the minimum quorum will be 11 members and not 9 members as ordered by the respondent-authorities and therefore, sought for interference of this Court.

7. In order to buttress his arguments, learned Senior Counsel for the petitioners refers to the judgment of the Hon'ble Supreme Court in the case of ***Kalabharati Advertising vs. Hemant Vimalnath Narishania and another*** reported in **(2010) 9 SCC 437**, and in the case of ***Raviyashwant Bhoir vs. District Collector, Raigad and others*** reported in **(2012) 4 SCC 407** and further alleged legal malice against the respondent No.1 and as such, argued for taking action against the respondent No.1. It is also argued by the learned Senior Counsel for the petitioners that, the electoral misconduct by the Returning Officer himself has to be considered in the light of the judgment of the Hon'ble Supreme Court in

the case of ***Kuldeep Kumar vs. UT Chandigarh and others*** reported in **(2024) 3 SCC 526**. It is also argued by the learned Senior Counsel appearing for the petitioners, by referring to judgment of the Hon'ble Supreme Court in the case of ***Godrej Sara Lee Ltd vs. Excise and Taxation Officer-cum-Assessing Authority and others*** reported in **2023 SCC OnLine SC 95** that, the Presiding Officer, himself, assumed jurisdiction without there being any material to conduct an enquiry against the petitioners in both the writ petitions and therefore, sought for interference of this court. Finally, referring to the judgment of this court in the case of ***T S Kidiganappa, vs. Deputy Registrar of Co-operative Societies and others***, in **W.P.No.2021/1996** dated **01.02.1996**, it is argued that, till the dispute raised by the respondent No.6 in Dispute No. UBC-3/DIS/1880 /2024-25 (Annexure-G), is concluded, this court is empowered to interfere with

the impugned order, and allow the petitioners to participate in the electioneering process.

8. Per Contra, Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for the respondent-State submitted that, as the proceedings are pending consideration before the competent authority and as such, there is no impediment for the petitioners to approach the competent authority and to defend the said dispute raised against them. It is also argued by the learned Additional Government Advocate that, writ petitions are not maintainable as the petitioners are having efficacious remedy by way of approaching the Karnataka Appellate Tribunal. Accordingly, sought for dismissal of the writ petitions.

9. Sri. M.B. Nargund, learned Senior Counsel appearing for respondent No.2, by referring to the statement of objections, submitted that, based on a complaint received by the Registrar of Co-operative

Societies, directions were issued to look into the affairs of the respondent-Federation, as per Annexure-R1 in W.P.No.4891 of 2025. Learned Senior Counsel further contended that there are serious allegations against the petitioners regarding their involvement in misappropriation of funds. Therefore, the impugned order has been passed in good faith, in the discharge of official duties, to address the alleged illegalities committed by the petitioners and to prevent them from further irregularities in the respondent No.5-Society. On these grounds, learned Senior Counsel sought for dismissal of the writ petitions.

10. Sri. M. R. Rajgopal, learned Senior Counsel appearing for respondent No.6- Sri. Srikanteshwara Credit Co-operative Society Ltd., submitted that respondent No.6 is complainant in the dispute raised against the petitioners in both the petitions, and that the said dispute is pending consideration before the competent authority. Therefore, it is argued that, it is

open to the petitioners to seek vacating or modification of the impugned order before the appropriate authority. Hence, it is argued that, without availing such remedy, the petitioners have approached this Court without exhausting the remedy available under law. Hence, learned Senior Counsel submitted that, the writ petitions are liable to be dismissed.

11. The learned Senior Counsel further contended that the petitioners have an efficacious alternative remedy under Section 107 of the Act and, on that ground alone, the writ petitions deserve to be dismissed. In support of his arguments, learned Senior Counsel relied upon the judgment of this Court in **W.P. No. 14468 of 2020**, disposed of on **12.11.2024**, and submitted that specific observations have been made against the petitioners therein, which also calls for dismissal of the present writ petitions.

12. Sri. Ashok Haranahalli, learned Senior Counsel appearing for the respondent- Sri. S. Chandrasehkar, argued by referring to Section 4 and Section 41(c) of the Specific Relief Act, 1963 that, such right is available, for agitating Civil rights and not applicable to the matters pertaining to Co-operative Societies and therefore, sought for dismissal of the writ petitions. Learned Senior Counsel contended that, the petitioners cannot maintain writ petitions in view of the judgment of the Hon'ble Supreme Court in the case of ***Ram Chandra Choudhary and others vs. Roop Nagar Dugdh Utpadak Sahakari Samiti Ltd and others*** reported in **2026 SCC OnLine, SC 583** as no order has to be passed against a Society, which is not a legal entity under Article 12 of the Constitution of India and it is open for the petitioners to approach the Tribunal for redressal of their grievance.

13. Learned Senior Counsel further argued by referring to the judgment of this court, in **WA No.420**

of 2022 and connected writ appeals disposed of on **29.07.2022** and argued that, the once the election is over, and thereafter, the aggrieved party has to challenge the same, by way of Election Petition and accordingly, sought for dismissal of the writ petitions. It is contended by the learned Senior Counsel by referring to the judgment of this Court, in the case of **Jayamuthu vs. State Election Commission for Co-operation and others** reported in **ILR 2018 KAR 3671** that, even in the case of rejection of the nomination, the parties have to approach the competent authority by way of Election Petition, and therefore, sought for dismissal of the writ petitions. It is further argued by the learned Senior Counsel that, if the petitioners have not misappropriated the funds of respondent-Society as argued by the learned Senior Counsel for the petitioners, the petitioners have to assist for statutory inspection and ought to have contested the impugned dispute before the competent

authority and without doing so, the petitioners have approached this Court directly, and as such, sought for dismissal of the writ petitions.

14. In the light of the submission made by the learned counsel appearing for the parties, it is the case of the petitioners that, the petitioners as well as respondent Nos. 7 to 19 (in W.P.No.4891 of 2025) are the elected members/delegates of the respondent No.5-Society. (Karnataka State Co-operative Credit Societies Federation Ltd.). The aforementioned Society is a Federal Society registered under the Act and having primary Credit Co-operative Society in the State of Karnataka. Perusal of the Annexure-A, dated 28.01.2025, would indicate that the petitioners and respondent Nos.7 to 19 (in W.P.No.4891 of 2025) were elected for a period of five years from 2025 to 2030. It is also to be noted that calendar of events, dated 29.01.2025 (Annexure-B) was issued by the Returning Officer to conduct election for the post of President and

vice President, of the respondent No.5-Society. The date of election was fixed on 13.02.2025. The filing of the nomination, for the aforementioned posts, as well as the announcement of eligible final list of candidates was fixed at 3.45 pm on 13.02.2025. It is also to be noted that, one Maregowda and Narendra Kumar, and also S. Chandrashekar, (respondent Nos.7, 9 and 11 in W.P.No.4891 of 2025) have filed nomination papers for the post of President. Similarly election process was commenced for the post of vice president. It is not in dispute that the election process had commenced. At that juncture, an order dated 13.02.2025, passed by the Joint Registrar of Co-Operative Society in Dispute No. UBC/-/DIS/1880/2024-25 (Annexure-G) was produced, before the Returning Officer, wherein, an order of injunction was passed by the aforementioned authority restraining Sri. C. M. Maregowda, Sri. Mahendra Prasad Gowda, Sri. M. J. Narendra Kumar and K. Krishnamurthy (respondent Nos.7 to 10 in

W.P.No.4891 of 2025) from contesting for the post of President and Vice President and further restrained them from casting vote, as to the election of the officer bearers of the respondent No.5-Federal Society. It is also not in dispute that, the aforementioned persons were restrained from voting as well contesting for the post of President and Vice President of the respondent No.5-Federal Society. It is pertinent to mention here that, total members of the respondent No.5- Federal Society is 21 members and during the election, 9 members were present and 12 members were held as absent. Accordingly, S. Chandrashekar (respondent No.11 in W.P.No.4891 of 2025) was declared unopposed for the post of President and one Sri. Dhareppa Mahadeva Alaguru, was declared for the post of Vice President for a period of five years as per Annexure-H to the writ petition. It is the grievance of the petitioners, that, the petitioners and the respondent No.7 to 19 have been deliberately, avoided to vote and

contest during the elections. Hence, aforementioned petitions have been filed.

15. Having taken note of the submission made by the learned counsel appearing for the parties, the reason for absence of the petitioners from voting and contesting in the elections, held on 13.02.2025 was on account that the respondent No.6 - Sri Srikanteshwara Credit Co-operative Society Ltd., had raised dispute under Section 70 of the Act in Dispute No.UBC-3/DIS/1880/2024-25 against the petitioners herein and some of the respondents herein, alleging misappropriation of funds. These petitioners were the respondents in the aforementioned dispute as well as office bearers of the above Society, for a two terms of five years from 2014 - 2019, and 2019-2024. It is also to be noted that, the proceedings initiated against the petitioners was under Section 64 of the Act, and the notice has been issued to the S. Chandrashekar-respondent No.7 (in W.P.No.4886 of 2025) as per

Annexure-F2. However, no allegation has been made against the said S.Chandrashekar-respondent No.7, who has been declared as President of the respondent No.5-Federal Society. The crux of the matter is that, the petitioners have been restrained from voting and contesting for the office bearers of the respondent No.5-Federal Society, based on the interim order dated 13.02.2025 (Annexure-G) passed by the respondent No.1 on the very same day of election, the petitioners No.1 and 3 in W.P.No.4886 of 2025, namely, C.M. Maregowda, and M.J. Narendrakumar have filed nominations for the post of President. It is also to be noted that, respondent -S. Chandrashekar also filed nomination for the very same post. The respondent No.1, without any material on record has arrived at a conclusion, that, the aforementioned petitioner Nos. 1 and 3 were involved in the misappropriations of funds to a tune of Rs.20 Crores and concluded that, the aforementioned petitioners were guilty in the enquiry

under Section 64 of the Act. The finding recorded by the respondent No.1, in the impugned order dated 13.02.2025 reads as under:

"ಅರ್ಜಿದಾರರಾದ ಶ್ರೀ ಶ್ರೀಕಂಠೇಶ್ವರ ಕೆಡಿಟ್ ಕೋ ಅಪರೇಟಿವ್ ಸೊಸೈಟಿ ಲಿಮಿಟೆಡ್, ಮೈಸೂರು ಇದರ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕರು, ಕರ್ನಾಟಕ ಸಹಕಾರ ಸಂಘಗಳ ಕಾಯ್ದೆ 1959 ಕಲಂ 70 ರಡಿ ದಾವಾ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಪ್ರತಿವಾದಿ 7 ಆದ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ತಿನ ಸಹಕಾರ ಸಂಘಗಳ ಮಹಾಮಂಡಳ ನಿಯಮಿತ, ಬೆಂಗಳೂರು ಈ ಮಹಾಮಂಡಳದ ಆಡಳಿತ ಮಂಡಳಿ ಚುನಾವಣಾ ದಿನಾಂಕ: 28-01-2025 ರಿಂದ ಮುಂದಿನ 5 ವರ್ಷಗಳ ಅವಧಿಗೆ ಚುನಾವಣೆ ನಡೆದು ಆಡಳಿತ : 13-02-2025 0 ಮಂಡಳಿಯು ಅಸ್ಥತ್ವಕ್ಕೆ ಬಂದಿರುತ್ತದೆ ಮತ್ತು ಚುನಾವಣೆಯನ್ನು ನಿಗದಿಪಡಿಸಿ ವೇಳಾಪಟ್ಟಿ ಹೊರಾಡಿಸಲಾಗಿರುತ್ತದೆ ಹಾಗೂ ಪ್ರತಿವಾದಿ 1 ರಿಂದ 4 ಇವರು ಈ ಹಿಂದಿನ ಆಡಳಿತ ಮಂಡಳಿಯ 2014 ರಿಂದ 2019 ರ ಅವಧಿಯಲ್ಲಿ ನಿರ್ದೇಶಕ ಹಾಗೂ ಪದಾಧಿಕಾರಿಗಳಾಗಿರುತ್ತಾರೆ. ಮುಂದುವರೆದು 2019 ರಿಂದ 2024 ನೇ ಸಾಲಿನಲ್ಲಿ ಆಡಳಿತ ಮಂಡಳಿಯ ಅವಧಿಯಲ್ಲಿಯೂ ಸಹ ನಿರ್ದೇಶಕ ಹಾಗೂ ಪದಾಧಿಕಾರಿಗಳಾಗಿರುತ್ತಾರೆ. ಸದರಿ ಅವಧಿಯಲ್ಲಿ ಪ್ರತಿವಾದಿ 1 ರಿಂದ 4 ಇವರು ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕರೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ ಮಹಾಮಂಡಳಕ್ಕೆ ರೂ 20 ಕೋಟಿಗಳು ನಷ್ಟ/ ಹಣ ದುರುಪಯೋಗ ಉಂಟು ಮಾಡಿರುತ್ತಾರೆ. ಇಲಾಖೆಯಿಂದ ಈ ಬಗ್ಗೆ ಶಾಸನಬದ್ಧ Calender events ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ದಾವಾ ಅರ್ಜಿಯೊಂದಿಗೆ ಕರ್ನಾಟಕ ಸಹಕಾರ ಸಂಘಗಳ ಕಾಯ್ದೆ 1959ರ ಕಲಂ.71(3) ರಡಿ ಮಧ್ಯಂತರ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ, ಪ್ರತಿವಾದಿ 1 ರಿಂದ 4 ಇವರು ಸದರಿ ಮಹಾಮಂಡಳದಲ್ಲಿ ಆಡಳಿತ ಮಂಡಳಿ ನಿರ್ದೇಶಕರು ಹಾಗೂ ಪದಾಧಿಕಾರಿಗಳಾಗಿದ್ದ ಅವಧಿಯಲ್ಲಿ 20.00 ಕೋಟಿ ನಷ್ಟಕ್ಕೆ ಕಾರಣವಾಗಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅವರನ್ನು ಪ್ರತಿವಾದಿ-7ರ ಮಹಾಮಂಡಳದಲ್ಲಿ ದಿನಾಂಕ:13.02.2025 ರಂದು ನಡೆಯಲಿರುವ ಪದಾಧಿಕಾರಿಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ಅಧ್ಯಕ್ಷರು & ಉಪಾಧ್ಯಕ್ಷರ ಹುದ್ದೆಗಳು ಒಳಗೊಂಡಂತೆ ಯಾವುದೇ ಪದಾಧಿಕಾರಿಗಳ ಸ್ಥಾನಕ್ಕೆ ಸ್ಪರ್ಧಿಸದಂತೆ ಹಾಗೂ ಮತದಾನ ಮಾಡದಂತೆ ಮಧ್ಯಂತರ ಆದೇಶ ನೀಡಲು ಈ ನ್ಯಾಯಾಲಯವನ್ನು ಕೋರಿರುತ್ತಾರೆ.

ದಾವಾ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಿದ ನ್ಯಾಯಾಲಯವು ವಾದಿಗಳು ಸಲ್ಲಿಸಿರುವ ದಾವಾ ದರ್ಜಿಯಲ್ಲಿನ ಮಧ್ಯಂತರ ಅರ್ಜಿಯ ಅಂಶಗಳು ಹಾಗೂ ಈ ಕಛೇರಿಯಿಂದ ಈಗಾಗಲೇ ಶಾಸನಬದ್ಧ ವಿಚಾರಣೆಗೊಳಪಡಿಸಿದ್ದು ಮತ್ತು ಮಹಾಮಂಡಳದ ಲೆಕ್ಕಪತ್ರಗಳ ಮರುಲೆಕ್ಕಪರಿಶೋಧನೆ ಸಹ ಕಂಡು ಈ ಅ ಕೈಗೊಂಡಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಅಂಬುವುದರಿಂದ ವಾದಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಧ್ಯಂತರ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಲು ಯೋಗ್ಯವೆಂದು ತೀರ್ಮಾನಿಸಿ. ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶ ಹೊರಡಿಸಿದೆ.

-:: ಮಧ್ಯಂತರ ಆದೇಶ :-

ವಾದಿಯವರು ದಾವಾ ಅರ್ಜಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಧ್ಯಂತರ
ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಿದೆ. ಪ್ರತಿವಾದಿ-1: ಸಿ.ಎಂ.ಮಾರೇಗೌಡ ಬಿನ್ ಲೇಟ್
ಮರಿಯಪ್ಪ, ಪ್ರತಿವಾದಿ-2: ಮಹೇಂದ್ರ ಪ್ರಸಾದ್ ಗೌಡ-ಬಿನ್ ಕಾಮಯ್ಯ,
ಪ್ರತಿವಾದಿ-3: ಎಮ್.ಜೆ.ನರೇಂದ್ರ ಕುಮಾರ ಬಿನ್ ಜಯರಾಮೇಗೌಡ ಹಾಗೂ
ಪ್ರತಿವಾದಿ-4: ಕೆ. ಕೃಷ್ಣಮೂರ್ತಿ ಇವರುಗಳು ಪ್ರತಿವಾದಿ-7: ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಸರ್ಕಾರ ಪತ್ತಿನ ಸಂಘಗಳ ಮಹಾಮಂಡಳ ನಿಯಮಿತ. ಬೆಂಗಳೂರು ಇಲ್ಲಿ
ದಿನಾಂಕ:13.02.2025 ರಂದು ನಡೆಯಲಿರುವ ಪದಾಧಿಕಾರಿಗಳ
ಚುನಾವಣೆಯಲ್ಲಿ ಅಧ್ಯಕ್ಷರು & ಉಪಾಧ್ಯಕ್ಷರ ಹುದ್ದೆಗಳು ಒಳಗೊಂಡಂತೆ
ಯಾವುದೇ ಪದಾಧಿಕಾರಿಗಳ ಸ್ಥಾನಕ್ಕೆ ಸ್ಪರ್ಧಿಸದಂತೆ ಹಾಗೂ ಮತದಾನ
ಮಾಡದಂತೆ ನಿರ್ಬಂಧಿಸಿ, ಆದೇಶಿಸಿದೆ."

(underlined by me)

16. On careful consideration of the erroneous finding recorded by the respondent No.1, during the pendency of the dispute, and further an enquiry is yet to be conducted, documents have to be verified in the above proceedings and in the absence of the same, the conclusion arrived at by the respondent No.1, excluding the above petitioner Nos.1 and 3 to contest in the election for the post of President of respondent No.5-Federal Society would affect the democratic right of the

petitioners and on the other hand, similar notice at Annexure- F2 has been issued to the elected President- S.Chandrashekar, however, nothing is whispered in the said order about the same and therefore, it is a clear case of colorable exercise of power and manifest arbitrariness of the respondents and such action, is contrary to Article 14 of the Constitution of India. Therefore, I am of the opinion that, the writ petitions are liable to be allowed.

17. It is also pertinent to mention here that the learned Senior Counsel for the respondents raised plea that, the petitioners are having alternative remedy to approach the competent authority/Tribunal by way of Election Petition and writ petitions are not maintainable. In this regard, reference has been made to the judgment of the Hon'ble Supreme Court in the case of **Ram Chandra Choudhary** (supra). In the said proceedings, the question before the Hon'ble Supreme Court as to the Bye-Laws of the District Milk Producers

Co-operative Unions, in the State of Rajasthan. However, in the present case, the democratic rights of the petitioners to vote and to contest in the elections, have been affected on account of order of restraining them from contesting and voting in the ensuing the elections of the officer bearers of the respondent No.5-Federal Society and therefore, the plea raised by the learned Senior Counsel for the respondents cannot be accepted in the peculiar circumstances of the case. The judgments referred to by the learned counsel for the respondents is not applicable to the case on hand. It is also relevant to state that respondent No.1, has assumed the reasons for restraining the interested candidates from participating, contesting and voting in the elections, without there being any order passed by the competent authority against them nor any documents referred to therein and the entire discussion in the impugned order is based on personal wisdom of the respondent No.1 in the absence of the material

documents. It is also forthcoming from the paragraph 14 of the statement of objections of the respondent No.2, wherein it is stated that public money has been mishandled, fraud has been committed by the office-bearers of the respondent No.5-Federal Society, and if such being the case, the elected President-S. Chandrashekar is also one of the office bearers of the respondent No.5- Federal Society, however, no action has been taken against him. In that view of the matter, the respondent-authorities Could have restrained the elected President- S. Chandrasehkar from contesting for the post of President like the petitioners. It is also forthcoming that, re-audit under Section 63 (13) of the Act and the proceedings under Section 64 of the Act, are pending consideration before the competent authorities and therefore, finding recorded by the respondent No.1, while passing the impugned order restraining the petitioners to cast vote, contest and participate in the electioneering process, shall affect the

legal rights of the petitioners which are democratically conferred under the Act as well as Part IX-B of the Constitution of India. This Court under Article 226 of Constitution of India will not normally interfere with the decision of the respondent-authorities but only insofar as decision making process are concerned and therefore, I find force in the submission made by the learned Senior Counsel appearing for the petitioners. Accordingly, I pass the following:

ORDER

- i. The writ petitions are ***allowed***;
- ii. Order dated 13.02.2025 in Dispute No. UBC-3/DIS/1880/2024-25, passed by the respondent No.1-Joint Registrar of Co-operative Societies is hereby set aside consequently, the declaration and proceedings dated 13.02.2025 by the Returning Officer, declaring the respondent-S. Chandrashekar,

respondent -Dhareppa M. Alaguru, as President and Vice President of the respondent No.5- Federal Society, is hereby quashed.

iii.The writ of mandamus is issued to the Returning Officer of respondent No.5-Federal Society, to issue fresh calendar events to conduct elections for post of President and Vice President and to allow all the members of respondent No.5 including the petitioners in both the writ petitions to participate, contest and vote in the elections of office bearers of respondent No.5-Federal Society, within an outer limit of four weeks from the date of receipt of certified copy of this order.

SD/-
(E.S.INDIRESH)
JUDGE

SB