



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.6216 OF 2026 (CS-RES)

C/W

WRIT PETITION NO.8121 OF 2026 (CS-RES)

IN WP No. 6216/2026

BETWEEN:

1. SRI. K.S. KUMAR
S/O LATE SIDDEGOWDA
AGED ABOUT 55 YEARS.
2. SRI. B.N. SADANANDA,
S/O B.R. NANJUNDASWAMY
AGED ABOUT 53 YEARS
3. SRI. P.M. PRASANNA,
S/O MAHADEV,
AGED ABOUT 40 YEARS.
4. SRI. K. UMA SHANKAR,
S/O LATE KEMPERAGOWDA
AGED ABOUT 50 YEARS.
5. SRI. K. ERAGOWDA,
S/O LATE KENCHAGOWDA,
AGED ABOUT 50 YEARS.
6. SRI. A.T.SOMASHEKAR,
S/O LATE THAMMIAH,
AGED ABOUT 64 YEARS.

Digitally signed by
CHANDRA S A
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:24505
WP No.6216 of 2026
C/W WP No.8121 of 2026

7. SRI. K.G. MAHESH,
S/O GURUMALLAPPA
AGED ABOUT 64 YEARS.
8. SMT. SHIVAGAMI A.,
W/O N. SHANMUGAM,
AGED ABOUT 60 YEARS.
9. SMT. DRAKSHAYINI
W/O BASAVARAJAPPA,
AGED ABOUT 60 YEARS.
10. SMT. LEELA
W/O B.K. NAGARAJU,
AGED ABOUT 50 YEARS.
11. SMT. NEELAMBIKA,
W/O K.G. MAHESH,
AGED ABOUT 50 YEARS.
12. SRI. C. OMPRAKASHA,
S/O CHANDRSHEKHARAPPA,
AGED ABOUT 56 YEARS.

ALL THE PETITIONERS ARE
DIRECTORS OF MYSORE DISTRICT
CO-OPERATIVE MILK PRODUCERS
SOCIETIES UNION LTD.,
MEGA DIARY COMPLEX,
BANNUR ROAD, ALANAHALLI POST,
MYSURU-570028.

...PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. VARUN JAYAKUMAR PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION,



VIKASA SOUDHA,
BENGALURU -560 001,
REPRESENTED BY ITS SECRETARY.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
NO.1, ALI ASKER ROAD,
BENGALURU-560052.
3. THE ADDITIONAL REGISTRAR OF CO-OPERATIVE SOCIETIES
NO.1, ALI ASKER ROAD,
BENGALURU-560052.
4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
MYSORE DIVISION,
MYSURU DISTRICT-570001.
5. THE DEPUTY COMMISSIONER
/ DISTRICT ELECTION OFFICER,
MYSORE DISTRICT,
MYSURU-570005.
6. THE STATE CO-OPERATIVE ELECTION AUTHORITY,
3RD FLOOR, TTMC A BLOCK,
K.H.ROAD, SHANTINAGAR,
BENGALURU -560027,
REP. BY ITS SECRETARY.
- 7 MYSORE DISTRICT CO-OPERATIVE MILK PRODUCERS SOCIETIES UNION LTD.,
MEGA DIARY COMPLEX,
BANNUR ROAD, ALANAHALLI POST,
MYSURU-570028.



8. SRI.K.N. SURESH NAYAK
S/O LATE NAGALINGA NAYAK
AGED ABOUT 57 YEARS
MANAGING DIRECTOR
MYSORE DISTRICT
CO-OPERATIVE MILK PRODUCERS
SOCIETIES UNION LTD.,
MEGA DIARY COMPLEX,
BANNUR ROAD, ALANAHALLI POST,
MYSURU-570028.
9. THE RETURNING OFFICER
MYSORE DISTRICT
CO-OPERATIVE MILK PRODUCERS
SOCIETIES UNION LTD.,
MEGA DIARY COMPLEX,
BANNUR ROAD, ALANAHALLI POST,
MYSURU-570028.
10. THE KARNATAKA MILK FEDERATION
P.B. NO.2915, D.R. COLLEGE POST
DR. M.H. KMF COMPLEX
MARIGOWDA ROAD
BENGALURU - 560 030.
REPRESENTED BY
MANAGING DIRECTOR.
11. SRI. B.N. KARIGOWDA
S/O NINGEGOWDA
AGED ABOUT 68 YEARS
GANDHINAGAR MILK PRODUCERS
CO-OPERATIVE SOCIETY
POONADAHALLI POST,
HARANAHALLI HOBLI,
PERIYAPATNA TALUK,



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C/W WP No.8121 of 2026

MYSURU DISTRICT - 571 107.

12. SRI. SHIVAKUMAR
S/O SWAMY
AGED ABOUT 29 YEARS
DIRECTOR
P. BASAVANAHALLI MILK PRODUCERS
CO-OPERATIVE SOCIETY
POONADAHALLI POST
HARANAHALLI HOBLI
PERIYAPATNA TALUK
MYSURU DISTRICT - 571 107.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG A/W
SRI. YOGESH D. NAIK, AGA FOR R1 TO R5 AND R9;
SRI. A. DEVARAJ, ADVOCATE FOR R6;
SRI. GANAPATHI BHAT, ADVOCATE FOR R7 & R8;
SRI. B.L. SANJEEV, ADVOCATE FOR R10;
SRI. JAI PRAKASH REDDY, ADVOCATE FOR R11 & R12)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
DIRECT THE RESPONDENT NO.9 TO CONDUCT THE ELECTIONS
TO RESPONDENT NO.7 SOCIETY BEFORE THE EXPIRY OF THE
TERM OF THE PRESENT BOARD I.E 15.03.2026; AND ETC.

IN WP NO. 8121/2026

BETWEEN:

1. SRI. B.N. SADANANDA
S/O B.R NANJUNDASWAMY,
AGED ABOUT 53 YEARS.
2. SRI. K.S. KUMAR
S/O LATE SIDDEGOWDA,
AGED ABOUT 55 YEARS.



3. SRI. P.M. PRASANNA
S/O MAHADEV,
AGED ABOUT 40 YEARS.
4. SRI. K. UMA SHANKAR,
S/O LATE KEMPERAGOWDA,
AGED ABOUT 50 YEARS.
5. SRI. K. ERAGOWDA,
S/O LATE KENCHAGOWDA,
AGED ABOUT 50 YEARS.
6. SRI. A.T.SOMASHEKAR,
S/O LATE THAMMIAH,
AGED ABOUT 64 YEARS.
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AGED ABOUT 60 YEARS.
9. SMT. DRAKSHAYINI,
W/O BASAVARAJAPPA,
AGED ABOUT 60 YEARS.
10. SMT. LEELA,
W/O B.K. NAGARAJU,
AGED ABOUT 50 YEARS.
11. SMT. NEELAMBIKA,
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12. SRI. C. OMPRAKASHA
S/O CHANDRSHEKHARAPPA,
AGED ABOUT 56 YEARS.



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CO-OPERATIVE MILK PRODUCERS
SOCIETIES UNION LTD.,
MEGA DIARY COMPLEX,
BANNUR ROAD,
ALANAHALLI POST,
MYSURU-570028.

...PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. VARUN JAYAKUMAR PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION,
VIKAS SOUDHA,
BENGALURU -560 001,
REPRESENTED BY ITS SECRETARY.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
NO. 1, ALI ASKER ROAD,
BENGALURU-560052.
3. THE ADDITIONAL REGISTRAR
OF CO-OPERATIVE SOCIETIES,
NO. 1, ALI ASKER ROAD,
BENGALURU-560052.
4. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
MYSORE DIVISION,
MYSURU DISTRICT-570001.
5. THE DEPUTY COMMISSIONER
/DISTRICT ELECTION OFFICER,
MYSURU DISRTICT,
MYSURU-570005.



6. THE STATE CO-OPERATIVE
ELECTION AUTHORITY,
3RD FLOOR, TTMC 'A' BLOCK,
K.H.ROAD, SHANTINAGAR,
BANGALORE-560027,
REP. BY ITS SECRETARY.
7. MYSORE DISTRICT CO-OPERATIVE
MILK PRODUCERS SOCIETIES
UNION LTD., MEGA DIARY COMPLEX,
BANNUR ROAD, ALANAHALLI POST,
MYSURU-570028.
REP. BY ITS CEO.
(REGISTERED UNDER KARNATAKA CO-OPERATIVE
SOCIETIES ACT, 1959).
8. THE RETURNING OFFICER,
MYSORE DISTRICT CO-OPERATIVE
MILK PRODUCERS SOCIETIES UNION LTD.,
MEGA DIARY COMPLEX,
BANNUR ROAD, ALANAHALLI POST,
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PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 107.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG A/W
SRI. YOGESH D. NAIK, AGA FOR R1 TO R5 AND R8;
SRI. A. DEVARAJ, ADVOCATE FOR R6;
SRI. GANAPATHI BHAT, ADVOCATE FOR R7;
SRI. JAI PRAKASH REDDY, ADVOCATE FOR R9 & R10)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
SET ASIDE THE ORDERS IN APPEAL NO.
ANI(DIARY)SECTION106/49/2025-26 DATED 03.01.2026
PASSED BY RESPONDENT NO.3 VIDE ANNEXURE-F AND F1;
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 writ petition No.6216 of 2026, the petitioners
have sought for writ of mandamus directing the
respondent No.9-Returning Officer to conduct election
to the respondent No.7-Society before the expiry of
the term of present Board on 15.03.2026 so also, to



continue the present Board in accordance with the notification dated 05.06.2024 (Annexure-L) till the elections are being held as per the appropriate notification, *inter-alia* sought for direction to the respondents not to appoint an administrator to the respondent No.7-Society.

2. In W.P.No.8121 of 2026, the petitioners have sought for quashing the order dated 03.01.2026, (Annexure-F and F1), passed by the respondent No.3, in Appeal No.49 of 2025-26, *inter-alia* sought for direction to the respondents to continue the present Board, till the elections to the Board of respondent No.7, being conducted.

3. Since the facts and question of law involved are identical, W.P. No. 6216 of 2026 and W.P. No. 8121 of 2026 are clubbed together.



In W.P.No.6216 of 2026

4. Relevant facts for the adjudication of this writ petition are that, the petitioners were elected Directors of the respondent No.7-Society, who have been declared as elected in the elections held on 16.03.2021, (Annexure-A). The term of the petitioners, would comes to an end on 15.03.2026. The respondent No.7-Society, has initiated necessary steps to conduct elections, before the term comes to an end and the petitioners are also delegates from the respective primary societies to contest in the elections to the office bearers of the respondent No.7-Society. The respondent No.7-Society addressed a letter to the respondent No.5, requesting to suggest two names as to appoint as Returning Officers to conduct election of respondent No.7-Society as per letter dated 26.08.2025 produced as Annexure-B. In reply to the same, the respondent No.5 addressed letter to



respondent No.7, as per reply letter dated 19.09.2025 (Annexure-C). The respondent No.6, as per order dated 01.12.2025, (Annexure-D), appointed an officer as the Returning Officer to conduct the election of respondent No.7-Society.

5. It is further pleaded that, respondent No.7-Society has proposed to amend its Bye Laws in the year 2020 and as there was no action taken by respondent-authorities, later, W.P.No.13037 of 2020 was filed before this Court and this Court vide order dated 30.11.2020 (Annexure-E), directed the respondent-authorities to consider the representations. Accordingly, Bye-Laws of the respondent No.7-Society was amended on 22.12.2020. It is pleaded by the petitioners that, the amended Bye-Laws were challenged and the order of stay was passed by the competent authority just before the elections. It is contended that, the



challenge to amended Bye-Laws was made on the sole ground, to postpone the elections and to ensure that an Administrator be appointed to the respondent No.7-Society. It is also stated that, Appeal No.49 of 2025-26 filed before the respondent No.3, seeking to set aside the order dated 22.12.2020 passed by the respondent No.4 as stated above, after delay of more than five years and as such, the respondent No.3, without hearing the respondent No.7-Society, stayed the order passed by the respondent No.4, as per Annexure-F and F1 respectively. It is the grievance of the petitioners that, the respondent No.8, who is the Managing Director of respondent No.7-Society, has acted arbitrarily and has made all the efforts to sabotage the election process of respondent No.7-Society. It is also stated that respondent No.8 was appointed as CEO/MD of respondent No.7-Society to which the respondent No.7 is affiliated. It is further



stated that respondent No.8 has assumed the charge as MD of respondent No.7 on 02.07.2024 and has made all efforts to ensure that, the elections to respondent No.7-Society should not have been conducted before the expiry of the term of the petitioners. The petitioners have made allegations against respondent No.8, stating that, the respondent No.8 was not adhering to the decision of the elected Board and he was working at the behest of respondent No.3, and therefore, the petitioners have made a representation dated 10.02.2026 (Annexure-G), to the respondent No.10, seeking to recall the respondent No.8, from the service of the respondent No.7-Society. It is also stated that, the respondent-authorities have not taken any steps to conduct election before the expiry of present elected body. Hence, it is the grievance of the petitioners that, the



respondent No.9 be directed to conduct elections to the respondent No.7 Society.

In W.P.No.8121 of 2026

6. In this writ petition, the petitioners were the elected Directors of respondent No.7-Society, and the term of the petitioners comes to and end on 15.03.2026. The petitioners are, also, delegates from the respective primary societies to contest in the elections to the office bearers of the respondent No.7-Society. It is the grievance of the petitioners, similar to the petitioners in W.P.No.6216 of 2026 to conduct elections to the respondent No.7-Society. It is further stated that the respondent No.7 has amended its Bye-Laws on 22.12.2020 and the elections were held according to the amended Bye-Laws. It is also stated that, a challenge has been made to the Bye-Laws belatedly, and in this regard, an appeal was filed



before the respondent No.3, challenging the approval of the Bye Laws by the respondent No.4. It is contended that, the respondent No.3, without hearing the respondent No.7-Society, has stayed the order passed by the respondent No.4, on 03.01.2026 despite there is inordinate delay of 1852 days in filing the appeal. Copy of the interim order dated 03.01.2026 are produced at Annexure-F and F1. It is the grievance of the petitioners that, the order impugned at Annexure- F and F1, are illegal and therefore, presented this writ petition.

7. I have heard Sri. Jayakumar S. Patil, learned Senior Counsel appearing on behalf of Sri. Varun Jayakumar Patil, for the petitioners; Smt. Prathima Honnapura, learned Additional Advocate General along with Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for the respondent-State; Sri. A. Devaraj, learned counsel for



the respondent No.6; Sri. Ganapathi Bhat, learned counsel for the respondent Nos. 7 and 8; Sri. B. L. Sanjeev, learned counsel for the respondent No.10 in W.P.No.6216 of 2026 and Sri. Jai Prakash Reddy, learned counsel for the respondent Nos. 11 and 12 in W.P.No.6216 of 2026.

8. Sri. Jayakumar S. Patil, learned Senior Counsel appearing for the petitioners contended that, the tenure of the petitioners, as Directors of respondent No.7-Society, has come to an end on 15.03.2026 and the respondent-authorities have not taken steps to conduct election within six months, from 15.03.2026 as per Rule 14 of the Karnataka Co-operative Societies Rules, 1960 (for short, Rules, 1960). Learned Senior Counsel has referred to the Resolution of the respondent No.7-Society, dated 22.08.2025, and the letter dated 26.08.2025, (Annexure-B), wherein the respondent No.7-Society,



addressed letter to the respondent No.6, to finalise the voter list, and to conduct elections immediately, and also, the letter dated 19.09.2025 (Annexure-C) wherein, the respondent No.5-District Election Officer has addressed letter to the respondent No.6 to appoint the Returning Officer to conduct election. In furtherance of the same, one K.Sridhar, Joint Director, Mysore has been appointed as Returning Officer as per Annexure-D.

9. It is further argued that, Bye-Laws of the respondent No.7 was amended, as per order dated 22.12.2020, in which, the members of the Managing Committee was increased from 15 to 21 members which is reflected in the order dated 22.12.2020 (Annexure-E1). It is also argued by the learned Senior Counsel appearing for petitioners, by referring to Rule 13-D of the Rules, 1960 as to appropriate steps to be taken conduct elections. Learned Senior Counsel for



the petitioners has made categorical allegations against respondent No.8, who is a Managing Director of respondent No.7, as to the dereliction of duty to stall the election process to the respondent No.7-Society. It is also argued by the learned Senior Counsel by referring to the order dated 03.01.2026, passed by the Appellate Authority in Appeal No.49 of 2025-26 produced at Annexure-F and F1, wherein, challenge has been made to the approval of the amendment of the Bye-Laws of the respondent No.7-Society. The Appellate Authority, hurriedly without providing an opportunity to the respondents therein, has erroneously condoned the delay of 1852 days in filing the appeal and further, stayed the order of approval of amendment dated 22.12.2020 passed by the competent authority as to amend the Bye-Laws. It is argued by the learned Senior Counsel that, the respondent No.3-Additonal Registrar of Co-Operative



Societies, was well aware about the amendment made to the Bye-Laws and further, it is argued that, the respondent No.8, has been made as party in individual capacity, for dereliction of his duties in prolonging the election process to the respondent No.7-Society and therefore, sought for interference of this Court.

10. In order to buttress his arguments, learned Senior Counsel appearing for the petitioners, refers to the following judgments of the Hon'ble Supreme Court:

i. ***Raviyashwant Bhor vs. District Collector Raigad and others*** reported in ***(2012) 4 SCC 407***;

ii. ***Fuljit Kaur vs. State of Punjab and others*** reported in ***(2010) 11 SCC 455***;



iii. ***Kalabharati Advertising vs. Hemant Vimalnath Narichania and others*** reported in ***(2010) 9 SCC 437***;

iv. ***State of Madhya Pradesh and others vs. Sanjay Nagayach and others*** reported in ***(2013) 7 SCC 25***.

11. Referring to the aforementioned judgments, Sri. Jayakumar S. Patil, learned Senior Counsel appearing for the petitioners, submitted that the respondent No.8 is duty bound to exercise his powers bonafidely, and not on the dictation or direction of those, who are in power, and should not act under political pressure or being influenced. Hence, it is contended that, the entire action of the respondent No.8, to prolong the election to the respondent No.7-Society, and further alleged that, the respondent No.8 has systematically, made efforts to postpone the



election to the respondent No.7-Society and thereby, pay way for appointment of the Administrator to the respondent No.7-Society and as such, sought for interference of this Court.

12. Per contra, Smt. Prathima Honnapura, learned Additional Advocate General appearing for the respondent-State argued that, prayers made in the writ petitions are not maintainable, and the term of the petitioners, has come to an end on 15.03.2026 and therefore, sought for dismissal of the writ petitions.

13. It is also argued by the learned Additional Advocate General that, it is open for the petitioners to appear before the competent Appellate Authority in Appeal No. 49 of 2025-26 and to seek modification of the order, if so, aggrieved. Referring to Section 28-A(5) of the Karnataka Co-operative Societies Act,



1959 (for short, the Act), it is argued by the learned Additional Advocate General that the use of the word "shall" in the aforesaid provision indicate that, upon completion of the tenure of the existing governing body on 15.03.2026, the petitioners would automatically cease to be the office bearers of Respondent No.7-Society and in this regard, referred to Section 39-A of the Act. It is also argued that, the petitioners have no legal right to present the writ petitions as their tenure is completed and what is challenged before this Court, in W.P.No.8121 of 2026 is the interim order passed by the Appellate Authority on 03.01.2026, (Annexure- F and F1) and therefore, it is open for the petitioners to approach the very same Appellate Authority to seek modification of the order, and therefore, sought for dismissal of the writ petitions.



14. In order to buttress her arguments, learned Additional Advocate General has referred to the judgment of the Hon'ble Supreme Court in the case of ***State of Jharkhand and another vs. Govind Singh*** reported in ***(2005) 10 SCC 437*** and argued that, the Statute has to be interpreted as it is and cannot be interfered with by this Court unless there is an ambiguity in the provisions of the Statute. Learned Additional Advocate General also places reliance on 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*** and argued that, the petitioners are having alternative remedy to approach the competent authority and therefore, sought for dismissal of the writ petitions.

15. Sri. Ganapathy Bhat, learned counsel for the respondent-Society argued by referring to the



averments made in the statement of objections and invited the attention of the Court to the efforts being made by the respondent No.8, to conduct the election as per Rule, 13-D of the Rules, 1960. Referring to the Annexure-R2 series, it is contended by the learned counsel for the respondent-Society that, the allegations made against respondent No.8 is without any basis and the respondent No.8 has acted bonafidely to conduct elections well within time as per the Rules and therefore, sought for dismissal of the writ petitions.

16. In the light of the submission made by the learned counsel appearing for the parties, the prayers made in the W.P.No.6216 of 2026 reads as follows:

a) Issue a writ of in the nature of Mandamus directing the Respondent No. 9 to conduct the elections to Respondent No.7 society before the expiry of the term of the present board i.e., 15.03.2026.,



b) Issue a writ of mandamus directing the Respondents to continue the present board in accordance with the notification dated 05/06/2024 vide Annexure-L till the elections are held.

c) Issue a writ of mandamus directing respondents not to appoint an administrator to respondent No.7 Society.

d) Issue such other order or direction as this Hon'ble Court deems fit under the circumstances of the case in the interest of justice and equity.

17. In W.P.No.8121 of 2026, the petitioners are assailing the order dated 03.01.2026, passed by the competent authority in Appeal No.49 of 2025-26, *inter-alia* sought for direction to the respondents to continue the present Board till the elections to the Board of respondent No.7-Society.

18. It is not in dispute that, the petitioners herein were elected as Directors / delegates of the respondent No.7-Society, during 2021, and the term of the petitioners expired on 15.03.2026. It is the



grievance of the petitioners that the respondent No.8, being a Managing Director of respondent No.7-Society, ought to have taken steps/efforts to conduct elections within six months before completion of the tenure of the existing body. The petitioners have made allegations against the Managing Director of respondent No.7-Society i.e., the respondent No.8, deliberately, and systematically acted malafidely that, the election should not be conducted to the respondent No.7-Society, before the expiry of term of the petitioners on 15.03.2026, so that, the Administrator would be appointed to the respondent No.7-Society. In this regard, perusal of the writ petition would indicate that, the pursuant to the Resolution, passed by the respondent No.7-Society on 22.08.2025, the respondent No.7-Society has addressed letter dated 26.08.2025 to the State Co-operative Election Authority to conduct elections, and



to prepare, the list of eligible candidates. The Deputy Commissioner/ District Election Officer, addressed letter dated 19.09.2025 to the State Co-Operative Election Authority as to appoint the Returning Officer and pursuant to the same, the Election Authority has appointed one Sri. K. Sridhar, as per letter dated 01.12.2025, as the Returning Officer to conduct elections. It is pertinent to mention here that, the Bye-Laws of the respondent No.7-Society was amended, and approved by the competent authority on 22.12.2020, and as such, the members of the governing body was increased from 15 to 21 members. The said, order of approval of amending Bye-Laws by the competent authority was questioned in Appeal No. 49 of 2025-26. In the said appeal, the competent authority by its order dated 03.01.2026 has condoned the delay of 1852 days in filing the appeal and also stayed the order of approval of the



amendment of the Bye-Laws. The aforementioned proceedings is pending consideration before the competent authority. It is also to be noted that, the period of the existing body of the respondent No.7-Society, has been expired on 15.03.2026. The perusal of the statement of objections, of the respondent Nos. 7 in W.P.No.6216 of 2026, particularly, Annexure-R2, series, would indicate the efforts being made by the respondent No.8, as a Managing Director of respondent No.7-Society to conduct election to the governing Body. Though the learned Senior Counsel appearing for the petitioners, made a serious allegations, against the respondent No.8, however, such, allegations are not fortified with appropriate documents referred to by the learned Senior Counsel appearing for petitioners and on the other hand the respondent No.8 has taken all possible steps to conduct elections, till the appointment of the



Returning Officer, which is forthcoming from the documents produced by the respondent No.8. In that view of the matter, I am of the opinion that, the contentions raised by the learned Senior Counsel appearing for the petitioners cannot be accepted as the respondent No.8 acted bonafidely within the parameters of Rule 13 and 14 of the Rules, 1960.

19. It is also to be noted that, since the proceedings in Appeal No.49 of 2025-26 is pending consideration before the competent authority and therefore, this Court cannot interfere with the merits of the aforementioned proceedings which is yet to be concluded by the said Appellate Authority. It is pertinent to mention here that, the provisions contained under Section 28-A(5) of the Act, stipulates the procedure for conducting elections to the respective societies under the Act. The aforementioned provision i.e. Section 28-A(5) of the



Act, was upheld by this Court in the case of ***Gurunath Reddy and others vs. State of Karnataka and others*** in W.P.No.226145 of 2020 dated 16.10.2020. Perusal of the order passed by this Court would indicate that the respondent-authorities have to take steps to conduct elections, before six months from the expiry of the period of the existing body.

20. At this juncture, it is relevant to consider Part IX B of the Constitution of India, which provides for the Constitution of the Board of the Co-operative Societies. Article 243-ZJ of the Constitution of India mandates that the term of the elected members of the Board shall be five years from the date of election, and the term of office bearers shall be co-terminus with the expiring of the term of the Board. In that view of the matter, since, the term of the petitioners, as Directors, had expired on 15.03.2026, and therefore, as by efflux of time, the tenure of



petitioners is completed and therefore, there is no provisions in the Act, to continue the Directorship of the petitioners in the respondent No.7-Society beyond the expiry of the period of five years and therefore, I am of the opinion that, the writ petitions require to be dismissed.

21. It is also pertinent to mention here that, as the period of existing body has come to an end on 15.03.2026, and therefore, it is open for the respondent-authorities to conduct elections to the respondent No.7-Society in accordance with law and therefore, the relief sought for by the petitioners in the writ petitions do not survive for consideration.

22. Insofar as challenge made to the order dated 03.01.2026 passed by the Appellate Authority in Appeal No. 49 of 2025-26, I am of the opinion that, since the proceedings are pending consideration



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before the Appellate Authority and therefore, it is open for the said authority to take decision in the matter in accordance with law in terms of the observations made above. Hence, the writ petitions are ***dismissed***.

**Sd/-
(E.S.INDIRESH)
JUDGE**

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