



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF MAY, 2026

PRESENT

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO. 1403 OF 2026 (CS-EL/M)

BETWEEN:

SRI S CHANDRASHEKAR
S/O SHIVA NANJAPPA,
AGED ABOUT 52 YEARS,
DIRECTOR, KARNATAKA STATE CO-OPERATIVE
CREDIT SOCIETIES FEDERTION LTD.,
NO.126, 1ST MAIN ROAD,
RAJIV GANDHI NAGAR,
NANDINI LAYOUT,
BANGALORE-560096

...APPELLANT

(BY SRI. ASHOK HARANAHALLI, SR. COUNSEL FOR
SRI. ANOOP HARANAHALLI, 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.

Digitally
signed by
CHAITHRA A
Location:
HIGH
COURT OF
KARNATAKA



2. MAHESH
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,
RAJIVGANDHI 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.
7. DAREPPA M ALAGURU
S/O MAHADEVA,
AGED ABOUT 52 YEARS
8. DR. SANJAY PANCHAKSHARI HOSAMATH
S/O PANCHAKSHARI



AGED ABOUT 55 YEARS

9. THAMMANNA B KENCHAREDDY
S/O BALAPPA
AGE ABOUT 56 YEARS
10. UMESH S BALI
S/O SHIVAKUMAR
AGE ABOUT 63 YEARS
11. RAVEENDRA PRAHALAD KALBURGI
S/O PRAHALAD
AGE ABOUT 64 YEARS
12. JAGADEESH KANDIKERE
DIRECTORS OF KARNATAKA STATE CO OPERATIVE
CREDIT SOCIETIES FEDERATION LTD
NO 126 1ST MAIN ROAD
RAJIVGANDHI NAGAR
NANDINI LAYOUT
BENGALURU 560096
13. SHIVANNANDA BASAPPA NYAMAGOWDA
S/O BASAPPA
AGE ABOUT 44 YEARS
14. CHANDRASHEKAR KOLCHAR
S/O NOT KNOWN TO THE APPELLANT
AGE ABOUT 65 YEARS
15. B D BHUKANTH
S/O DHARMAPPA
AGE ABOUT 64 YEARS
16. HONNAIAH V HIRMATH
S/O VEERABHARAIHAH
AGE ABOUT 52 YEARS
17. H ASHOK
S/O HANUMANTHI GOWDA
AGE ABOUT 56 YEARS



18. T RAJESH
S/O THIMMAPPA
AGE ABOUT 64 YEARS
19. S B BADA WADGI
S/O BASAVARAJU
AGE ABOUT 44 YEARS
20. Y SRINIVASE GOWDA
S/O YALAKKE GOWDA
AGE ABOUT 59 YEARS
21. DR NAGENDRA H L
S/O LINGE GOWDA
AGE ABOUT 48 YEARS
22. G MALLIKARJUNAIAH
S/O GANGADARAIAH
AGE ABOUT 66 YEARS
23. C M MAREGOWDA
S/O MARIYAPPA
AGE ABOUT 48 YEARS
24. MAHENDRA PRASAD GOWDA
S/O KAMAIAH
AGE ABOUT 42 YEARS
25. M J NARENDRA KUMAR
S/O JAYARAMEGOWDA
AGE ABOUT 58 YEARS
26. K KRISHNAMURTHY
S/O LATE KEMPA GODAIAH
AGE ABOUT 56 YEARS

RESPONDENT NOS. 7 TO 26 ARE
DIRECTORS OF KARNATAKA STATE CO OPERATIVE
CREDIT SOCIETIES FEDERATION LTD
NO 126, 1ST MAIN ROAD,
RAJIVGANDHI NAGAR



NANDINI LAYOUT
BENGALURU 560096

...RESPONDENTS

(BY SMT. NAMITHA MAHESH, AGA FOR R1 TO R6
SRI. JAYAKUMAR S PATIL, SR. COUNSEL FOR
SRI. SANDESH T.B., ADVOCATE FOR C/R 23)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL, SET
ASIDE THE ORDER DATED 30/04/2026 PASSED BY THE
LEARNED SINGLE JUDGE IN WP NO.4886/2025, AND
CONSEQUENTLY DISMISS THE WRIT PETITION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This intra-Court appeal is filed by respondent No.7 in
W.P.No.4886/2025, calling in question the correctness of
the order dated 30.04.2026 passed by the learned Single
Judge in the aforesaid writ petition, whereby the learned
Single Judge has allowed the writ petition and set aside
the order dated 13.02.2025 passed in Dispute No.UBC-



3/DIS/1880/2024-25 by respondent No.1 - Joint Registrar of Co-operative Societies. By the said order, the learned Single Judge has quashed the proceedings restraining respondent Nos.23 to 26 from contesting the elections to the posts of President and Vice-President of the respondent No.5-Federal Society. Consequently, the proceedings dated 13.02.2025 issued by the Returning Officer declaring the present appellant as President and one Sri Darappa M. Alaguru as Vice-President of the respondent No.5-Federal Society also came to be quashed. The learned Single Judge has further directed the respondent No.5-Federal Society to issue a fresh calendar of events for conducting elections to the posts of President and Vice-President and to permit all the elected Directors of the respondent No.5-Federal Society, including respondent Nos.23 to 26, to contest and participate in the election process by exercising their right to vote.

2. The facts leading to the filing of the present intra-Court appeal, in brief, are that the appellant and



respondent Nos.1 to 26 were elected as Directors to the Board of the respondent No.5-Federal Society. There is no dispute with regard to the election of the Directors to the Board of the respondent No.5-Society held on 28.01.2025. Pursuant to the constitution of the Board, the Returning Officer issued a calendar of events notifying the election to the posts of President and Vice-President of the respondent No.5-Federal Society and scheduled the election on 13.02.2025.

3. In terms of the calendar of events, the appellant filed his nomination for the post of President. Respondent Nos.23 and 24 also filed their nominations for the very same post. At that juncture, the respondent No.6-Society, represented by its Secretary, initiated proceedings under Section 70 of the Karnataka Co-operative Societies Act, 1959 (for short 'the Act'), by raising a dispute against respondent Nos.23 to 26 and sought a direction against the Returning Officer not to permit Respondent Nos.23 to 26 either to contest or to



participate by exercising their voting rights in the election to the office bearers of the respondent No.5-Federal Society scheduled to be held on 13.02.2025.

4. The respondent No.1-Joint Registrar of Co-operative Societies, on entertaining the said dispute, passed an interim order restraining respondent Nos.23 to 26 from contesting and voting in the election to the posts of President and Vice-President of the respondent No.5-Federal Society. In consequence of the said interim order, respondent Nos.23 to 26 were prevented from participating in the election process. The election was thereafter conducted on 13.02.2025, wherein the appellant came to be elected as President and one Sri Darappa M. Alaguru was elected as Vice-President of the respondent No.5-Federal Society.

5. Aggrieved by the interim order passed by the respondent No.1 and the consequential declaration of results, respondent Nos.23 to 26 instituted



W.P.No.4886/2025 before this Court questioning the legality of the order dated 13.02.2025 passed by the respondent No.1 in Dispute No.UBC-3/DIS/1880/2024-25. The writ petitioners also sought quashing of the proceedings declaring the appellant as President and Sri Darappa M. Alaguru as Vice-President of the respondent No.5-Federal Society.

6. The learned Single Judge, upon consideration of the records and the rival contentions, allowed the writ petition holding that the respondent No.1 lacked jurisdiction to entertain the dispute under Section 70 of the Act insofar as it related to the election process of the office bearers of the respondent No.5-Federal Society. The learned Single Judge further held that the election to the posts of President and Vice-President was not conducted in a free and democratic manner, as respondent Nos.23 to 26 were prevented from contesting and participating in the election pursuant to an extraneous interim order passed by the respondent No.1.



7. Consequently, the learned Single Judge set aside the order passed by the respondent No.1 restraining respondent Nos.23 to 26 from contesting and voting in the election. As a natural corollary, the election held on 13.02.2025 declaring the appellant as President and Sri Darappa M. Alaguru as Vice-President was also quashed. A further direction was issued to the respondent No.5- Federal Society to issue a fresh calendar of events and conduct fresh elections to the posts of President and Vice-President by permitting all eligible elected Directors, including respondent Nos.23 to 26, to participate in the election process.

8. Learned Senior Counsel appearing for the appellant, reiterating the grounds urged in the memorandum of appeal, vehemently contended that the learned Single Judge committed a serious error in entertaining the writ petition relating to elections conducted to a Society registered under the provisions of the Act. Placing reliance on the law laid down by the



Hon'ble Apex Court in the case of ***Ram Chandra Choudhary and Others vs. Roop Nagar Dugdh Utpadak Sahakari Samiti Limited and Others¹***, learned Senior Counsel would submit that once the election process had culminated and the results had been declared, the aggrieved parties ought to have been relegated to avail the statutory remedy of raising an election dispute under Section 70 of the Act, and the writ petition itself was not maintainable.

9. Developing his submissions further, learned Senior Counsel would argue that the learned Single Judge was not justified in exercising writ jurisdiction in a matter arising out of elections to the office bearers of the respondent No.5-Federal Society, particularly when an efficacious alternative remedy was available under the statute. In support of the said contention, reliance is placed on the judgment of the Division Bench of this Court in ***Jayamuthu vs. State Election Commission for***

¹ 2026 SCC Online SC 583



Cooperation² as also the judgment rendered in ***Ramanagouda S/o Basappa Basaraddi vs. The State of Karnataka³***, wherein the Division Bench has adverted to the principles laid down by the learned Single Judge in the cases of ***Sri.B. Ganganna and Others vs. The State of Karnataka and Others⁴*** and ***Mohammad Beary and Others vs. The State of Karnataka and Others⁵***. Referring to the aforesaid judgments, learned Senior Counsel would submit that once the election process stood concluded and the appellant had been declared elected as President of the respondent No.5-Federal Society, interference under Article 226 of the Constitution of India was wholly impermissible. It was therefore contended that the impugned order passed by the learned Single Judge is one without jurisdiction and contrary to the settled principles governing election disputes, and consequently,

² ILR 2018 KAR 3671

³ W.A.No.100619 of 2024

⁴ ILR 2024 KAR 1901

⁵ W.P.No.29271 of 2023 and connected matters



the same warrants interference by this Court in the present intra-Court appeal.

10. Per contra, learned Senior Counsel appearing for respondent Nos.23 to 26 sought to justify the order passed by the learned Single Judge and invited the attention of this Court to the material on record to demonstrate that the judgments relied upon by the appellant have no application whatsoever to the peculiar facts of the present case. Learned Senior Counsel would contend that the very foundation of the election process stood vitiated on account of the wholly unauthorized and illegal order passed by respondent No.1 - Joint Registrar of Co-operative Societies, who entertained a dispute under Section 70 of the Act at the instance of the respondent No.6-Society and granted an interim order restraining respondent Nos.23 to 26 from contesting and participating in the election process.



11. Adverting to the manner in which the election was conducted, learned Senior Counsel would submit that by keeping respondent Nos.23 to 26 out of the electoral process pursuant to the interim order passed by respondent No.1, the appellant managed to overcome the mandate contained in Rule 14-AG(6A) of the Karnataka Co-operative Societies Rules, 1960 (for short 'the Rules') which requires the presence of more than fifty percent of the total strength to constitute quorum for conducting elections to the office bearers. It was pointed out that by excluding four elected Directors on the premise that they stood restrained under the interim order, the election was conducted with a quorum of only nine members, while twelve members remained absent, thereby fundamentally affecting the democratic character of the election process.

12. Learned Senior Counsel would therefore contend that the principles governing non-interference in election matters after declaration of results would have no application to the present case, since the dispute itself was



entertained by an authority having no jurisdiction whatsoever. According to the learned Senior Counsel, the appellant, by setting up the respondent No.6-Society to initiate proceedings before respondent No.1, succeeded in obtaining an interim order on the very date of election and thereafter concluded the election process by excluding respondent Nos.23 to 26 from participation.

13. It was thus contended that the learned Single Judge, upon appreciation of the records, has rightly held that the elections were not conducted in a free, fair and democratic manner and has also rightly found malice and abuse of process in the manner in which the dispute under Section 70 was engineered through the respondent No.6-Society, which had no direct nexus with the election to the office bearers of the respondent No.5-Federal Society. Consequently, the learned Single Judge was fully justified in setting aside the order passed by respondent No.1 restraining respondent Nos.23 to 26 from contesting the



election and in declaring the consequential election of the appellant as void and illegal.

14. On these grounds, learned Senior Counsel appearing for respondent Nos.23 to 26 sought dismissal of the writ appeal contending that the order passed by the learned Single Judge is in accordance with law and does not warrant interference by this Court in exercise of appellate jurisdiction.

15. Heard learned Senior Counsel appearing for the appellant and learned Senior Counsel appearing for the respondents. Perused the records. The following points would arise for consideration in the present writ appeal:

(i) Whether respondent No.1 - Joint Registrar of Co-operative Societies had the jurisdiction and authority under Section 70 of the Act, to entertain the dispute raised by the respondent No.6-Society in relation to the election to the posts of President and Vice-President of the respondent No.5-Federal Society and consequently pass an interim order



restraining respondent Nos.23 to 26 from contesting and voting in the said election?

(ii) Whether the interim order passed by respondent No.1 restraining respondent Nos.23 to 26 from participating in the election process had the effect of vitiating the election to the posts of President and Vice-President of the respondent No.5-Federal Society on the ground that the election was not conducted in a free, fair and democratic manner in accordance with the provisions of the Karnataka Co-operative Societies Act and Rules?

*(iii) Whether the principles laid down by the Hon'ble Apex Court in **Ram Chandra Choudhary** (supra) and the judgments of this Court in **Jayamuthu vs. State Election Commission for Cooperation** and **Ramanagouda Basaraddi** (supra), as also the decisions in the cases of **B. Ganganna and Mohammad Bari** (supra), which relate to non-interference in election matters after declaration of results, are applicable to the peculiar facts of the present case?*

(iv) Whether, in the facts and circumstances of the present case, where the very election process



is alleged to have been vitiated by an order passed by an authority lacking inherent jurisdiction, the learned Single Judge was justified in entertaining the writ petition under Article 226 of the Constitution of India notwithstanding the availability of an alternative remedy under Section 70 of the Act?

Finding on point No.(i):

16. Our answer to the above point is in the affirmative, holding that respondent No.1 lacked inherent jurisdiction to entertain the dispute and consequently the interim order passed by him restraining respondent Nos.23 to 26 from contesting and voting in the election is one without authority of law and therefore liable to be interfered with.

17. At the outset, it needs to be noticed that there is absolutely no dispute insofar as the election of Directors to the Board of the respondent No.5-Federal Society held on 28.01.2025 is concerned. The controversy is confined



only to the subsequent election to the posts of President and Vice-President of the Federal Society. The records would indicate that pursuant to issuance of the calendar of events by the Returning Officer, respondent Nos.23 to 26, who were admittedly elected Directors, became entitled to participate in the election process either as contestants or as voters in accordance with the statutory scheme governing the affairs of the Federal Society.

18. However, at the instance of the respondent No.6-Society, a dispute came to be raised before respondent No.1 - Joint Registrar of Co-operative Societies under Section 70 of the Act, seeking a direction against the Returning Officer not to permit respondent Nos.23 to 26 from contesting and participating in the election process. The respondent No.1, while entertaining the said dispute, proceeded to pass an interim order restraining respondent Nos.23 to 26 from contesting and voting in the election scheduled to be held on 13.02.2025.



19. On a careful examination of the statutory scheme, this Court is of the considered view that the respondent No.1 lacked jurisdiction to entertain such a dispute. The scheme governing election disputes under the Karnataka Co-operative Societies Act and the Rules framed thereunder clearly indicates that disputes touching elections are required to be resolved only in the manner specifically provided under the statute. The provisions contemplate a distinct mechanism for adjudication of election disputes at the instance of aggrieved members and candidates after the election process is set in motion. The statutory framework does not confer unbridled authority on the Joint Registrar to interdict an ongoing election process to the office bearers of a Federal Society by restraining duly elected Directors from participating in the election.

20. What is more significant in the present case is that the dispute itself was not raised by any candidate contesting the election to the posts of President and Vice-



President, but by the respondent No.6-Society, which had no direct nexus with the election process of the respondent No.5-Federal Society. The respondent No.1, by entertaining such a dispute and passing an order of injunction on the very eve of election, has effectively altered the electoral college and materially interfered with the democratic process governing the election of office bearers. Such an exercise of power is wholly alien to the jurisdiction contemplated under Section 70 of the Act.

21. The records further reveal that by virtue of the interim order passed by respondent No.1, respondent Nos.23 to 26 were completely excluded from the election process. Consequently, the appellant was declared elected as President in an election conducted without participation of all eligible elected Directors. The learned Single Judge has rightly noticed that the order passed by respondent No.1 had the direct effect of defeating the democratic character of the election and enabled the election to be conducted with a truncated electoral body.



22. The interim order passed by respondent No.1 also suffers from manifest perversity. A statutory authority exercising quasi-judicial powers is expected to act within the four corners of the statute. When the statute itself does not authorize the Joint Registrar to injunct elected Directors from contesting and voting in an election to the office bearers of a Federal Society, assumption of such power clearly amounts to usurpation of jurisdiction. An order passed without jurisdiction is a nullity in the eye of law and all consequential proceedings flowing from such an order are equally vitiated.

23. This Court is therefore of the view that respondent No.1 grossly exercised the jurisdiction not vested in him under Section 70 of the Act. The injunction order restraining respondent Nos.23 to 26 from contesting and participating in the election process was wholly without authority of law, arbitrary and perverse, and the learned Single Judge was fully justified in exercising writ jurisdiction to set aside the same.



24. Accordingly, Point No.(i) is answered in the ***affirmative***, holding that respondent No.1 had no jurisdiction to entertain the dispute under Section 70 of the Act in the manner undertaken by him or to pass an interim order restraining respondent Nos.23 to 26 from contesting and participating in the election to the posts of President and Vice-President of the respondent No.5-Federal Society.

Finding on Point Nos.(ii) to (iv):

25. The undisputed facts on record would indicate that respondent Nos.23 to 26 were duly elected Directors of the respondent No.5-Federal Society and therefore constituted an integral part of the electoral college entitled to participate in the election to the posts of President and Vice-President. Their right to contest and vote in the election process flowed from their status as elected Directors and such right could not have been interdicted except in accordance with the statutory scheme



contemplated under the Karnataka Co-operative Societies Act, 1959 and the Rules framed thereunder.

26. This Court, while answering Point No.(i), has already held that respondent No.1 - Joint Registrar of Co-operative Societies lacked inherent jurisdiction to entertain the dispute under Section 70 of the Act in the manner undertaken by him and further lacked authority to pass an interim order restraining respondent Nos.23 to 26 from contesting and participating in the election process. Once this Court comes to the conclusion that the very order passed by respondent No.1 is one without jurisdiction, all consequential proceedings flowing from such an order necessarily stand vitiated.

27. The records would clearly reveal that respondent Nos.23 to 26 were excluded from participating in the election solely on account of the interim order passed by respondent No.1. The exclusion of four elected Directors from the electoral process had a direct bearing



on the conduct of election to the posts of President and Vice-President. The learned Single Judge has rightly noticed that the election process was conducted with a truncated electoral body and that the appellant succeeded in securing election after preventing respondent Nos.23 to 26 from participating in the election process.

28. The material on record further discloses that the interim order passed by respondent No.1 was used as a device to overcome the statutory requirement relating to quorum contemplated under Rule 14-AG(6A) of the Rules. By treating respondent Nos.23 to 26 as disqualified on the strength of an order which itself lacked jurisdiction, the election process was carried out with a reduced strength, thereby materially affecting the democratic character of the election. Such an election cannot be treated as a free, fair and democratic election reflecting the true will of the elected body of the respondent No.5-Federal Society.



29. The democratic structure under the Karnataka Co-operative Societies Act rests upon participation of all eligible elected representatives. When elected Directors are illegally prevented from participating pursuant to an order passed wholly without jurisdiction, the illegality strikes at the very root of the election process. The defect is not a mere procedural irregularity capable of being examined in an election dispute after declaration of results, but is a foundational illegality which vitiates the entire election process.

30. In that view of the matter, the reliance placed by the learned Senior Counsel appearing for the appellant on the judgments rendered in ***Ram Chandra Choudhary, Jayamuthu vs. State Election Commission for Cooperation, Ramanagouda Basaraddi***, as also the decisions in ***B. Ganganna*** and ***Mohammad Beary*** (supra), in the considered opinion of this Court, is wholly misplaced. The principles laid down in the aforesaid judgments are applicable to cases where the election



process is conducted by competent authorities in accordance with law and the challenge pertains to election disputes or irregularities arising after declaration of results. The consistent principle emerging from those judgments is that once the election process is concluded, ordinarily the writ Court should decline interference and parties should be relegated to avail the statutory remedy of election dispute.

31. However, the present case stands on an entirely different footing. Here is a case where the election process itself stood materially altered and vitiated by an order passed by an authority lacking inherent jurisdiction. The exclusion of respondent Nos.23 to 26 from the election process was not pursuant to any adjudication by a competent election forum, but was solely on account of an order passed by respondent No.1 in excess of the jurisdiction vested in him under Section 70 of the Act. Therefore, the very foundation of the election process



stood tainted by an order which is a nullity in the eye of law.

32. It is well settled that where an authority acts wholly without jurisdiction, the existence of an alternative remedy does not bar the exercise of jurisdiction under Article 226 of the Constitution of India. The rule of alternative remedy is one of discretion and self-imposed restraint and not a rule ousting the constitutional jurisdiction of the writ Court. In cases where the impugned action is ex facie without jurisdiction or results in manifest injustice, the writ Court would be fully justified in exercising its extraordinary jurisdiction.

33. The learned Single Judge, on appreciation of the material placed on record, has rightly held that respondent No.1 had no authority to interfere with the election process by restraining respondent Nos.23 to 26 from contesting and voting in the election. The learned Single Judge has also rightly noticed that the election



process was not conducted in a free, fair and democratic manner since eligible elected Directors were unlawfully excluded from participation. Consequently, the declaration of the appellant as President and one Sri Darappa M. Alaguru as Vice-President, being the direct outcome of an election process vitiated by an order passed without jurisdiction, could not have been sustained in law.

34. Therefore, this Court is of the considered opinion that the principles laid down in the judgments relied upon by the appellant have no application whatsoever to the peculiar facts of the present case and the learned Single Judge was fully justified in entertaining the writ petition notwithstanding the availability of an alternative remedy under Section 70 of the Act.

35. Accordingly, Point No.(ii) is answered in the ***affirmative*** holding that the interim order passed by respondent No.1 had the effect of vitiating the election process and rendered the election neither free nor



democratic. Point Nos.(iii) and (iv) are answered in the ***negative*** holding that the judgments relied upon by the appellant are inapplicable to the facts of the present case and that the learned Single Judge was justified in exercising writ jurisdiction under Article 226 of the Constitution of India.

36. Accordingly, the writ appeal stands dismissed as being devoid of merits.

In view of dismissal of the writ appeal, all pending interlocutory applications, if any, stand disposed of.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**