



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 13<sup>TH</sup> DAY OF MARCH, 2026

BEFORE

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

**WRIT PETITION NO.21353 OF 2025 (CS-RES)**

**BETWEEN:**

SRI. SATHISH K.R.  
S/O RAMAIAH,  
AGED ABOUT 42 YEARS,  
R/AT KADATHANAMALE VILLAGE,  
ARAKERE POST, HESARAGATTA HOBLI,  
BENGALURU NORTH TALUK - 562 136.  
PRESENTLY SERVING AS DIRECTOR,  
KADATHANAMALE MILK PRODUCERS  
CO-OPERATIVE SOCIETY LIMITED,  
KADATHANAMALE VILLAGE,  
BENGALURU NORTH - 562 136.

....PETITIONER

(BY SRI. R.S. RAVI, SENIOR ADVOCATE FOR  
SRI. RAVISHANKAR K., ADVOCATE)

**AND:**

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

1. THE STATE OF KARNATAKA  
DEPARTMENT OF CO-OPERATION,  
M.S. BUILDING,  
DR. B.R. AMBEDKAR VEEDHI,  
BENGALURU - 560 001.  
REP. BY ITS PRINCIPAL SECRETARY.
2. THE STATE CO-OPERATIVE ELECTION AUTHORITY  
3<sup>RD</sup> FLOOR, TTMC 'A' BLOCK,  
K.H. ROAD,  
SHANTINAGAR,  
BENGALURU - 560 027.  
REP. BY ITS SECRETARY.



3. THE DEPUTY REGISTRAR OF  
CO-OPERATIVE SOCIETIES  
BENGALURU URBAN DISTRICT,  
ALI ASKAR ROAD,  
BENGALURU - 560 001.
4. THE ASSISTANT REGISTRAR OF  
CO-OPERATIVE SOCIETIES  
ZONE-1, BENGALURU URBAN DISTRICT,  
SAHAKARA SOUDHA,  
BENGALURU- 560 003.
5. KADATHANAMALE MILK PRODUCERS  
CO-OPERATIVE SOCIETY LIMITED  
(SOCIETY REGISTERED UNDER THE  
KARNATAKA CO-OPERATIVE SOCIETIES ACT, 1959)  
KADATHANAMALE,  
ARAKERE POST,  
BENGALURU NORTH TALUK - 562 136  
REP. BY ITS SECRETARY
6. SHRI. SATHISH M.  
S/O M. MUNIYAPPA  
AGE : MAJOR  
R/AT NELLUKUNTE VILLAGE,  
HESARAGATTA HOBLI,  
DODDATUMAKURU,  
RURAL DODDATUMKUR,  
BENGALURU NORTH - 561 203.

...RESPONDENTS

(BY SRI. YOGESH D. NAIK, AGA FOR R1, R3 AND R4;  
SRI. A. DEVARAJ, ADVOCATE FOR R2;  
SRI. M.R. RAJGOPAL, SENIOR ADVOCATE FOR  
SRI. THILAK RAJ S.V., ADVOCATE FOR R6;  
SRI. VINOD C.S., ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
QUASH THE NOTICE DATED 11<sup>TH</sup> JUNE, 2025 ISSUED IN CASE  
NO.ARB-44/DISQUILIFICATION/29-C/01/2025-26 BY THE  
RESPONDENT NO.4 VIDE ANNEXURE-L .



THIS WRIT PETITION 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 ORDER**

This petition is filed challenging the Notice dated 11<sup>th</sup> June, 2025 (Annexure-L) issued by the respondent No.4, calling upon the petitioner to appear for the proceedings initiated under Section 29-C of the Karnataka Co-operative Societies Act, 1959 (for short, hereinafter referred to as 'KCS Act').

2. The relevant facts for adjudication of this petition are that the petitioner claims to be a Director of the respondent No.5-Society. It is stated in the petition that, one of the Directors of the Managing Committee of the respondent No.5-Society had tendered his resignation and thereby, the same has created a casual vacancy in the Managing Committee of the Society. Pursuant to the same, the respondent No.5-Society issued the Election Notification dated 31<sup>st</sup> January, 2025 (Annexure-A) and Election was conducted on 20<sup>th</sup> February, 2025. It is further stated that the father of petitioner Ramaiah was a Member of the respondent No.5-Society and on account



of his advanced age, the petitioner being a son, membership of the father of the petitioner got transferred to the petitioner. In this regard, the petitioner made representation, seeking transfer on 04<sup>th</sup> May, 2023, however, the same was approved on 03<sup>rd</sup> April, 2024 belatedly. It is the case of the petitioner that the petitioner is not a new shareholder or member of the respondent No.5-Society, however, entered as a member on behalf of his father Ramaiah's Membership. It is further stated that the name of the petitioner was excluded in the electoral roll of the Managing Committee of the Society on the ground that the petitioner has not completed the mandatory period of one year and as such, the petitioner, approached this Court in Writ Petition No.3373 of 2025 and this Court, granted an interim order dated 06<sup>th</sup> February, 2025 (Annexure-D). Thereafter, the writ petition came to be disposed of on 24<sup>th</sup> February, 2025 (Annexure-E) and this Court, directed the Returning Officer to announce the results of the election, which was scheduled on 20<sup>th</sup> February, 2025 including the vote cast by the petitioner, however, liberty was reserved to the aggrieved party to approach the competent Forum under Section 70 of the KCS Act. In the meanwhile, the petitioner



contested for the post of Director of the respondent No.5-Society and in the election fray, the petitioner was elected as a Director of the respondent No.5-Society as per the declaration of election dated 14<sup>th</sup> February, 2025 (Annexure-F). Thereafter, the petitioner was elected as the President of the respondent No.5-Society as per Annexures 'G' and 'G1' respectively. In the meanwhile, one of the members of the respondent No.5-Society challenged the Directorship of the petitioner in Dispute No.2/2025 before the respondent No.4 under Section 70 of the KCS Act. It is also stated that the petitioner being an authorised member of the Milk Producers Co-operative Society, was nominated and contested in the election of Bengaluru Urban, Rural and Ramanagara District Co-operative Milk Producers Societies Union Limited. In the said election, the respondent No.6 was the opposing candidate and the petitioner was elected as Director of the Bengaluru Urban, Rural and Ramanagara District Co-operative Milk Producers Societies Union Limited as per Annexures 'J' and 'K'.

3. It is the grievance of the petitioner that the respondent No.5-Society had invoked Section 29-C of the KCS Act, however, the respondent No.4, without jurisdiction, issued



the Notice dated 11<sup>th</sup> June, 2025 (Annexure-L), which is impugned in the present petition.

4. Heard Sri. R.S. Ravi, learned Senior Counsel on behalf of Sri. Ravishankar K., appearing for the petitioner; Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for respondents 1, 3 and 4; Sri. A. Devaraj, learned counsel appearing for the respondent No.2; Sri. M.R. Rajagopal, learned Senior Counsel on behalf of Sri. Thilak Raj, appearing for the respondent No.6; and Sri. Vinod C.S., learned counsel appearing for the respondent No.5.

5. Sri. R.S. Ravi, learned Senior Counsel appearing for the petitioner argued that the impugned Notice dated 11<sup>th</sup> June, 2025 (Annexure-L) issued by the respondent No.4 is without jurisdiction as the issue relating to the membership of the petitioner with the respondent No.5-Society has been concluded in the order passed by this Court in Writ Petition No.3373 of 2025 and therefore, sought for quashing the proceedings.

6. It is further argued by learned Senior Counsel Sri. R.S. Ravi, appearing for the petitioner that, Section 29-C of the



KCS Act deals with disqualification during the tenure of an elected member based on misconduct, however, in the present case, the membership of the father of the petitioner has been transferred into the name of the petitioner and therefore, it is only a continuance of membership and same cannot be termed as acquiring the new membership in the respondent No.5-Society. Accordingly, he sought for quashing the proceedings initiated as per the impugned notice. In this regard, learned Senior Counsel appearing for the petitioner places reliance on the judgment of Division Bench of this Court in the case of ***K. EREGOWDA vs. THE STATE OF KARNATAKA AND OTHERS*** reported in *2019 SCC Online KAR 3152* and as such, sought for quashing the impugned proceedings

7. Per contra, Sri. M.R. Rajgopal, learned Senior Counsel appearing for the respondent No.6 submits that the provision for disqualification under Section 29-C of the KCS Act is squarely applicable to the facts of the case and there is a contravention of the Directorship of the petitioner in the respondent No.5-Society on the ground that the resolution passed by the respondent No.5-Society, as to membership to the petitioner has not completed one year as required under



the KCS Act. Accordingly, he sought for dismissal of the petition.

8. Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for respondents 1, 3 and 4 submits that the writ petition is premature and therefore, sought for dismissal of the petition.

9. In the light of submission made by learned counsel appearing for the parties, it is not in dispute that the membership of the father of petitioner in the respondent No.5-Society was transferred into the name of the petitioner. It is the case of the respondents that, the petitioner has been elected as a Director of the respondent No.5-Society within one year from the date of acquiring Membership of the Society and therefore, the petitioner has to be disqualified as per the provisions of the KCS Act. In this regard, both the learned Senior Counsel appearing for the parties, places reliance on the judgment this Court in the case of **K. EREGOWDA** (supra). It is relevant to extract paragraph 12 to 17 of the aforementioned Judgment which reads as under:



*"12. Sub-section (1) of Section 29-C lays down Disqualification for membership of the board. Clause (h) thereof lays down that no person shall be eligible for being elected or appointed or continued as a member of the board, if he is disqualified to be a member of the society or to vote as such member. Sub-sections (2) to (6) are not applicable. The order of Assistant Registrar is specifically passed under sub-section (8) of Section 29-C. Under sub-section(8), in the cases falling under clauses (a) (b) (c) and (d), the Registrar has power to disqualify a member of the Board from holding any office in the co-operative society for such period not exceeding five years. As far as sub-section(8) is concerned, on its plain reading, it becomes applicable, if any member of a board or a co-operative society during the term of his office, becomes subject to any disqualification as specified in sub-sections (1), (2) and (5) or commits acts to which clauses (b) to (d) of sub-section (8) are applicable. Thus, on its plain reading, sub-section (8) is applicable when either disqualification is incurred or acts covered by clauses (b) to (d) thereof are committed by the member of a board during the term of his office. Thus, sub-section (8) cannot apply to the acts committed or disqualification incurred prior to election of a member.*

*13. In the present case, even going by the allegations made against the appellant, he has not incurred any disqualification under sub-sections (1), (2) and (5) of Section 29-C and he has not committed any acts, which are covered by clauses (b) to (d) of*



*sub-section (8) during the term of his office as a Director of the fourth respondent. That is not even the allegation made in the application made before the Assistant Registrar. Therefore, sub-section (8) has no application at all. Sub-section (8) will not apply to the disqualification incurred prior to the term of office of a member of a board of co-operative society commences. It will apply to the disqualification incurred and the acts done during the term of any member of a board of the co-operative society. The allegation against the appellant is that in view of clause (a-iii) of sub-section(2) of Section 20, he was disqualified to vote as he had not completed one year from the date of grant of membership of the fourth respondent.*

*14. Going by the impugned order of the Assistant Registrar, he has disqualified the appellant by exercising the power under sub-section (8) of Section 29-C of the said Act of 1959.*

*15. The election dispute challenging the election of the appellant is pending. On a plain reading of sub-section (8) of Section 29-C, per se, there is no power to disqualify a person who attracts any of the sub-clauses in sub-section(1) before the election. If the appellant was allegedly disqualified to contest the election to the post of a member of the board of the fourth respondent Society, the issue of disqualification will have to be decided in the election dispute. The action under sub-section (8) of Section 29-C can be taken of disqualifying a member of the board,*



*provided, the disqualification under clause (h) of sub-section (1) of Section 29-C is incurred after he becomes a member of the Board.*

*16. Therefore, the order passed under sub-section (8) of Section 29-C by the Assistant Registrar could not have been supported in appeal by relying upon clause(h) of sub-section (1) of Section 29-C of the said Act of 1959.*

*17. Now coming to the impugned order, in paragraph-4, the learned Single Judge has observed that an election dispute under Section 70 of the said Act of 1959 is pending and the appellant can pursue the said proceedings and demonstrate that his membership was well within the time and the order of disqualification is without basis. With greatest respect to the learned Single Judge, this view may not be correct. The appellant is not entitled to raise the issue of illegality of the order of disqualification passed by the Assistant Registrar in a dispute under Section 70, in which, the validity of his election is under challenge. The appellant has not filed the said dispute and he is a respondent therein"*

10. Following the law declared by the Division Bench of this Court referred to above, Section 29-C(8) restricts the power of the authority to disqualify a person before exercising vote in Election. The disqualification of the Directorship of the petitioner is as per Section 29-C on the ground that, the



Directorship of the petitioner has been approved by way of resolution by the respondent No.5-Society within one year from the date of Membership of the petitioner, is a matter which requires detailed consideration based on an enquiry to be conducted by the respondent-Authorities. The disqualification on the above ground is fundamental in nature and disqualification under Section 29-C(1)(h) of the KCS Act is based upon the Membership of the Society. It is also to be noted that, Section 20(2)(a-iii) of the KCS Act disqualifies his vote as he had not completed one year from the date of resolution by the respondent No.5-Society and therefore, I am of the view that, the writ petition is premature and as such, the petitioner be required to appear before the Competent Authority as per the impugned Notice dated 11<sup>th</sup> June, 2025 (Annexure-L) issued by the respondent No.4.

11. It is also pertinent to mention here that, this Court in Writ Petition No.3373/2025 disposed of on 24<sup>th</sup> February, 2025 (Annexure-E) did not absolve the nature of disqualification under Section 20(2)(a-iii) of the KCS Act. Therefore, I am of the opinion that the dispute raised under Section 70 of the KCS Act against the petitioner is maintainable



and such, dispute has to be resolved only by way of enquiry. Accordingly, the respondent No.4 is directed to dispose of the proceedings in Dispute No.ARB-44/DISQUALIFICATION/29-C/01/2025-26 (Annexure-L) as expeditiously as possible in accordance with law.

12. In the result, Writ Petition is ***dismissed.***

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

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List No.: 1 Sl No.: 50