IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE Mr.JUSTICE P.S.DINESH KUMAR

WRIT PETITION NO.1554/2020 (CS-EL/M)

Between:

1. Sri. Giriyappa Poojari
s/o: Honnappa Poojari, Aged about: 61 years
Membership No.1726.

2. Nemanna Madivala
s/o Mundappa Madivala, Aged about:68 years
Membership No.1746

3. Ramananda M
s/o Nanyappa Poojari, Aged about:58 years
Membership No.1796

4. Subbanna Shetty
s/o Anna Shetty, Aged about:62 years
Membership No.1776

5. Rafiq
s/o Mohammed, Aged about:40 years
Membership No.1837

6. Mahesh M
s/o Chandappa Poojari, Aged about:42 years
Membership No.1878

7. Aboobakkar B
s/o Puttu Monu, Aged about:40 years
Membership No.1895

8. Adam P
s/o Mohammed Beary, Aged about:54 years
Membership No.1932

9. Mahalakshmi
w/o Subbraya Holla, Aged about:55 years
Membership No.1936

10. Mohammed Beary
s/o Abbas Beary, Aged about:60 years
Membership No.1949

11. Abdul Razzak
s/o Ibrayi Beary, Aged about:42 years
Membership No.1973

12. Abdul Khadar
s/o Mohammed Beary, Aged about:62 years
Membership No.1981

13. Kaali
w/o Ambodi, Aged about:68 years
Membership No.1990

14. Baby
w/o Giriyappa, Aged about:40 years
Membership No.1991

15. Ananda
s/o Ambodi, Aged about:42 years
Membership No.1992

16. Vittala Chouta
s/o Aithappa, Aged about:58 years
Membership No.2011

17. Saleem
s/o Mohammed Batladka, Aged about:38 years
Membership No.2014

18. Muttappa Gowda
s/o Babu Gowda, Aged about:55 years
Membership No.2016

19. Chidananda Poojari
s/o Shanthappa Poojari, Aged about:42 years
Membership No.2031

20. Dharnappa Poojari
s/o Mailappa Poojari, Aged about:51 years
Membership No.2032

21. Mohammed Rafiq
s/o Hassan Abba, Aged about:40 years
Membership No.2087

22. Dombaiah Kumbara
s/o Monnappa Kumbara, Aged about:42 years
Membership No.2093

23. Vasappa Gowda
s/o Poovani Gowda, Aged about:58 years
Membership No.2096

24. Mariyamma
w/o Audram Beary, Aged about:68 years
Membership No.2111

25. Vedavathi
w/o Dugappa Gowda, Aged about:60 years
Membership No.2125

26. Suleiman
s/o Hassan Beary, Aged about:60 years
Membership No.2166

27. Aruna Prasada
s/o Yuvaraj Azari, Aged about:40 years
Membership No.2247

28. Ballava
s/o Hukre, Aged about:55 years
Membership No.2245

29. Udaya S
s/o Sheenappa Gowda, Aged about:42 years
Membership No.2344

30. Ramananda M
s/o Nannyappa Poojari, Aged about:40 years
Membership No.1769

31. Mahesh M
s/o Channappa Poojari, Aged about:40 years
Membership No.1875

32. Vittala Chouta
s/o Aithappa Chouta, Aged about:58 years
Membership No.2011

33. Sulieman
s/o Hassan Beary, Aged about:60 years
Membership No.2166

34. Aliabba Beary
s/o Hassan Abba, Aged about:68 years
Membership No.2453

35. Puddiya Gowda
s/o Dumba Gowda, Aged about:60 years
Membership No.1158

36. Sumathi
w/o Nagesha, Aged about:40 years
Membership No.2487

37. Seetharama P S
s/o Bittappa Saliyan, Aged about:38 years
Membership No.2493

38. Cheluvamma
w/o Bomma Gowda, Aged about:48 years
Membership No.2529

39. Rafiq
s/o Hamod Beary, Aged about:43 years
Membership No.2539

40. Purandara Gowda
s/o Medappa Gowda, Aged about:30 years
Membership No.2635

41. Mohana
s/o Gangaiah Gowda, Aged about:38 years
Membership No.2674

42. Sundara Gowda
s/o AnnuGowda, Aged about:52 years
Membership No.2715

43. Bibi
w/o Mohammed Ashraf, Aged about:45 years
Membership No.2716

44. Guruvappa Nayaka
s/o Janu Nayaka, Aged about:51 years
Membership No.2723

45. Nalini
w/o Monappa Poojari, Aged about:45 years
Membership No.2727

46. Narendra P
s/o Channappa Gowda, Aged about:39 years
Membership No.2788

47. Ambika
w/o Krishnappa Madivala, Aged about:48 years
Membership No.2897

48. Seethamma
w/o Babu Madivala, Aged about:67 years
Membership No.2899

49. Krishnappa Poojari
s/o Honnappa Poojari, Aged about:58 years
Membership No.2985

50. Saramma
w/o Ismail, Aged about:65 years
Membership No.2979

51. Dinesh Gowda
s/o DuggaGowda, Aged about:34 years
Membership No.2988

52. Narayana Shetty
s/o Chandu Shetty, Aged about:70 years
Membership No.302

53. Shina Shetty
s/o Ramanna Shetty, Aged about:74 years
Membership No.303

54. Abdul Rhaman
s/o Hammed Beary, Aged about:55 years
Membership No.308

55. Hammed Beary
s/o Ibrahim Beary, Aged about:69 years
Membership No.313

56. Sanjeeva Shetty
s/o Somappa Shetty, Aged about:68 years
Membership No.342

57. Padma Nayaka
s/o Dharmanna Nayaka, Aged about:69 years
Membership No.359

58. Ashwatha J
s/o Duggappa Gowda, Aged about:30 years
Membership No.2946

59. Chandappa Poojari
s/o Naranappa Poojari, Aged about:70 years
Membership No.570

60. Prakash Ajari
s/o Yuvaraj Ajari , Aged about:55 years
Membership No.868

61. Sudarshana Hegde
s/o Shubachandra, Aged about:58 years
Membership No.871

62. ShivaPrasad
s/o Vittala Shetty, Aged about:57 years
Membership No.908

63. Umesha Saliyan
s/o Naniyappa Poojari , Aged about:59 years
Membership No.1201

64. Abdul Latiff
s/o Abbubakar, Aged about:40 years
Membership No.1293

65. Sundara Shetty
s/o Vishwanath Shetty, Aged about:62 years
Membership No.1394

66. Seetharam Shetty
s/o Sheshappa Shetty, Aged about:55 years
Membership No.1449

67. Kaveri
w/o Sundara Shetty, Aged about:55 years
Membership No.1481

68. Saraswathi
w/o Vijaya Mohan, Aged about:50 years
Membership No.1524

69. Baba Shetty
s/o Dheranna Shetty, Aged about:62 years
Membership No.1550

70. Leelavathi
w/o Narayana Rao, Aged about:58 years
Membership No.1573

71. Yuvaraja Indra
s/o Simhasena Indra , Aged about:40 years
Membership No.1679

72. Ravindra Poojari
s/o Shivappa Poojari, Aged about:56 years
Membership No.1681

73. Sadananda Shetty
s/o Sheshappa Shetty, Aged about:54 years
Membership No.1695

74. Monappa Gowda
s/o Kuppa Gowda, Aged about:59 years
Membership No.1189

75. Girija Melanta
w/o Udaya Kumar, Aged about:52 years
Membership No.1705

76. Damodara K Maniyani
s/o Krishna Maniyani, Aged about:55 years
Membership No.2992

77. Monappa Poojari
s/o Kusappa Poojari, Aged about:51 years
Membership No.3000

78. Ravi Safaliya
s/o Rukmaya Safaliya, Aged about:42 years
Membership No.3016

79. Prasantha
s/o Subbaraya Holla, Aged about:30 years
Membership No.3032

80. Mohammed Rafiq B
s/o Ismail, Aged about:40 years
Membership No.3041

81. Sundara Gowda
s/o Yelianna Gowda, Aged about:60 years
Membership No.3063

82. Umesha Gowda
s/o Dharmanna Gowda, Aged about:48 years
Membership No.3078

83. Pudiya Gowda
s/o Koragappa Gowda, Aged about:55 years
Membership No.3085

84. Budappa Gowda
s/o Kunijnanna, Aged about:30 years
Membership No.3114

85. Shinappa Gowda
s/o Babu Gowda, Aged about:60 years
Membership No.3127

86. Balakrishna Gowda
s/o Kooragappa Gowda, Aged about:38 years
Membership No.3137

87. Mohammed Rafiq
s/o Odrambiya, Aged about:40 years
Membership No.3146

88. Mariyamma
w/o Puttu Monu, Aged about:65 years
Membership No.3150

89. Dombakka
w/o Kuniya Gowda, Aged about:45 years
Membership No.3147

90. Athikka
s/o Abdul Rhaman, Aged about:60 years
Membership No.2243

91. Mohammed
s/o Abbukar Nani, Aged about:48 years
Membership No.2485

92. Dharnappa Gowda
s/o Annu Gowda, Aged about:42 years
Membership No.2417

93. Poovappa Gowda
s/o Lingappa Gowda K, Aged about:58 years
Membership No.2602

94. Sarojini
w/o Umesh Gowda, Aged about:50 years
Membership No.s2678

95. Monappa Poojari
s/o Balu Poojari, Aged about:45 years
Membership No.2679

96. Achushree Bangeru
D/o B K Ammu, Aged about:42 years
Membership No.2685

97. Thimmappa Gowda
s/o Chethana Gowda, Aged about:51 years
Membership No.2709

98. Sundara Gowda
s/o Annu Gowda, Aged about:48 years
Membership No.2715

99. Bibi
w/o Mohammed Ashraf, Aged about:50 years
Membership No.2716

100. Nalini
w/o Monnappa Shine, Aged about:45 years
Membership No.2727

101. Nebisa
w/o Musan, Aged about:50 years
Membership No.2746

102.Dharnappa Gowda
s/o Puttanna Gowda, Aged about:52 years
Membership No.2764

103.Raghavendra
s/o Venkataramana, Aged about:55 years
Membership No.2771

104.Usman
s/o Fathu Beary, Aged about: years
Membership No.2775

105. Ummanna Gowda
s/o Appaiah Gowda, Aged about:60 years
Membership No.2774

106. Venkappa Gowda
s/o Channana Gowda, Aged about:61 years
Membership No.2894

107. Bhoomi
s/o Monnappa Poojari, Aged about:48 years
Membership No.2934

108. Ramanna Gowda
s/o DullaGowda, Aged about:51 years
Membership No.2936

109. Ramesha Gowda
s/o Kushanappa Gowda, Aged about:49 years
Membership No.3004

110. Dharnappa Poojari
s/o Kepu Poojari, Aged about:54 years
Membership No.3061

111. Chidananda A
s/o Kura Poojari, Aged about:45 years
Membership No.3115

112. Lingappa Poojari
s/o Hukra Poojari, Aged about:48 years
Membership No.3145

113. Seetharama Gowda
s/o Koragappa Gowda, Aged about:40 years
Membership No.1662

114. Nonanaiah Poojari
s/o Sheshappa Poojari, Aged about:35 years
Membership No.1679

115. Shanthappa Gowda
s/o Shivappa Gowda, Aged about:40 years
Membership No.1741

116. Sadanada Gowda
s/o Dejappa Gowda, Aged about:32 years
Membership No.1786

117. Chethan K
s/o Damodara Gowda, Aged about:30 years
Membership No.4212

118. Gangaiah Gowda
s/o Poovani Gowda, Aged about:60 years
Membership No.1605

119. Balakrishna Gowda
s/o Shanthappa Gowda, Aged about:35 years
Membership No.1795

120. Seetharama P S
S/o. Batyappa Salyan Aged about 62 years
Memberhip No. 2493

121. Mohana
S/o. Gangaya Gowda Aged about 46 years
Memberhip No. 2674

122. Ramananda
S/o. Nanyappa Poojary Aged about 48 years
Memberhip No. 1769

(Senior Citizenship benefits not claimed
for all petitioners aged above 65 years)

All are residing at Belthangady Taluk,
Dakshina Kannada District and are
members of Padmunja Primary
Agricultural Credit
Co-operative Society Ltd
Padmunja, Belthangady Taluk
D.K. 574326

…..Petitioners

(By Sri.Rakshith Kumar, Advocate)

And

1. STATE OF KARNATAKA
Department of Cooperation

M.S. Building, Dr. B.R. Ambedkar Veedhi
Bangalore-560 001
Represented By its Principle Secretary

2. THE STATE CO-OPERATIVE ELECTION COMMISSION
3rd Floor, Shanthi Nagar,
T.T.M.C, A Block
Shanthi Nagar
Bangalore 560027
Represented by its Secretary

3. DEPUTY REGISTRAR OF CO OPETATIVE
SOCITIES/ DISTICT ELECTION OFFICER
Janatha Bazar, 1st Floor Ganapathi Hostel Road
Mangaluru D.K. 575 001

4. RETURNING OFFICER Appointed for
Padmunja Primary Agricultural Credit
Co-operative Society Ltd
Padmunja, Belthangady Taluk
D.K. 574326

5. PADMUNJA AGRICULTURAL COOPERATIVE
SOCIETY LTD.,
Padmunja Village
Belthangady Taluk,
D.K. District – 574 326
Rep. by its Chief Executive Office

…Respondents

(By Smt.Niloufer Akbar, AGA for R.1, 3 & 4;
Sri.G.V.Shashikumar, Advocate for R.2)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to declare that Section 20(2)(a-iv) and (a-v) of the Karnataka Co-operative Societies Act 1959 is ultra vires the

legislative competence and Article 243Zl and 243ZO of the Constitution of India and etc.

This petition coming on for orders this day, the Court made the following:

ORDER

Heard Shri.Rakshith Kumar, learned advocate for the petitioners, Smt.Niloufer Akbar, learned AGA for the State and Shri.G.V.Shashi Kumar, learned advocate for respondent No.2.

2. Shri.Rakshith Kumar, learned advocate submits that elections have already been conducted on 25.01.2020. Therefore, this petition is rendered infructuous and accordingly prayed for its dismissal. He has filed a memo of even date to the said effect. Memo be kept in record.

3. In the circumstances, petition is ***dismissed*** as having become infructuous.

No costs.

Sd/-
JUDGE

NBM